



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 152

WASHINGTON, WEDNESDAY, DECEMBER 6, 2006

No. 133—Part II

## Senate

### STOP UNDERAGE DRINKING ACT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 864, which we received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 864) to provide for programs and activities with respect to the prevention of underage drinking.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the Enzi amendment at the desk be agreed to, that the bill, as amended, be read a third time and passed, the mo-

tion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5219) was agreed to.

(The amendment is printed in today's RECORD under "Text of amendments.")

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman*.

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman*.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S11375

The amendment was ordered to be engrossed and the bill read the third time.

The bill (H.R. 864), as amended, was read the third time and passed.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent the Homeland Security and Governmental Affairs Committee be discharged and the Senate proceed to the immediate en bloc consideration of the following postal naming bills:

S. 4050, H.R. 1472, H.R. 4246, H.R. 4720, H.R. 5108, H.R. 5736, H.R. 5857, H.R. 5923, H.R. 5989, H.R. 5990, H.R. 6078, H.R. 6102, H.R. 6151.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bills en bloc.

#### SERGEANT FIRST CLASS ROBERT LEE "BOBBY" HOLLAR, JR. POST OFFICE BUILDING

The bill (S. 4050) to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building" was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4050

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SERGEANT FIRST CLASS ROBERT LEE "BOBBY" HOLLAR, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, shall be known and designated as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building".

#### TITO PUENTE POST OFFICE BUILDING

A bill (H.R. 1472) to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

#### DR. ROBERT E. PRICE POST OFFICE BUILDING

A bill (H.R. 4246) to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dal-

las, Texas, as the "Dr. Robert E. Price Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

#### BEVERLY J. WILSON POST OFFICE BUILDING

A bill (H.R. 4720) to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the "Beverly J. Wilson Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

#### LANCE CORPORAL ROBERT A. MARTINEZ POST OFFICE BUILDING

A bill (H.R. 5108) to designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the "Lance Corporal Robert A. Martinez Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

#### VINCENT J. WHIBBS, SR. POST OFFICE BUILDING

A bill (H.R. 5736) to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the "Vincent J. Whibbs, Sr. Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

#### MORRIS K. "MO" UDALL POST OFFICE BUILDING

The bill (H.R. 5857) to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the "Morris K. 'Mo' Udall Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

#### DR. LEONARD PRICE STAVISKY POST OFFICE BUILDING

The bill (H.R. 5923) to designate the facility of the United States Postal Service located at 29-50 Union Street in Flushing, New York, as the "Dr. Leonard Price Stavisky Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

#### JOHN J. SINDE POST OFFICE BUILDING

The bill (H.R. 5989) to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the "John J. Sinda Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

#### WALLACE W. SYKES POST OFFICE BUILDING

The bill (H.R. 5990) to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the "Wallace W. Sykes Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

#### CHUCK FORTENBERRY POST OFFICE BUILDING

The bill (H.R. 6078) to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the "Chuck Fortenberry Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

#### CAPTAIN CHRISTOPHER PETTY POST OFFICE BUILDING

The bill (H.R. 6102) to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the "Captain Christopher Petty Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

#### HAMILTON H. JUDSON POST OFFICE BUILDING

The bill (H.R. 6151) to designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the "Hamilton H. Judson Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

#### MEASURE DISCHARGED AND PLACED ON THE CALENDAR—S. 3990

Mr. FRIST. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of S. 3990 and the bill be placed on the Senate Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DIETARY SUPPLEMENT AND NON-PRESCRIPTION DRUG CONSUMER PROTECTION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 586, S. 3546.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3546) to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Dietary Supplement and Nonprescription Drug Consumer Protection Act”.

#### SEC. 2. SERIOUS ADVERSE EVENT REPORTING FOR NONPRESCRIPTION DRUGS.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

##### “Subchapter H—Serious Adverse Event Reports

#### “SEC. 760. SERIOUS ADVERSE EVENT REPORTING FOR NONPRESCRIPTION DRUGS.

“(a) DEFINITIONS.—In this section:

“(1) ADVERSE EVENT.—The term ‘adverse event’ means any health-related event associated with the use of a nonprescription drug that is adverse, including—

“(A) an event occurring from an overdose of the drug, whether accidental or intentional;

“(B) an event occurring from abuse of the drug;

“(C) an event occurring from withdrawal from the drug; and

“(D) any failure of expected pharmacological action of the drug.

“(2) NONPRESCRIPTION DRUG.—The term ‘nonprescription drug’ means a drug that is—

“(A) not subject to section 503(b); and

“(B) not subject to approval in an application submitted under section 505.

“(3) SERIOUS ADVERSE EVENT.—The term ‘serious adverse event’ is an adverse event that—

“(A) results in—

“(i) death;

“(ii) a life-threatening experience;

“(iii) inpatient hospitalization;

“(iv) a persistent or significant disability or incapacity; or

“(v) a congenital anomaly or birth defect; or

“(B) requires, based on reasonable medical judgment, a medical or surgical intervention to prevent an outcome described under subparagraph (A).

“(4) SERIOUS ADVERSE EVENT REPORT.—The term ‘serious adverse event report’ means a report that is required to be submitted to the Secretary under subsection (b).

“(b) REPORTING REQUIREMENT.—The manufacturer, packer, or distributor whose name (pursuant to section 502(b)(1)) appears on the label of a nonprescription drug marketed in the United States (referred to in this section as the ‘responsible person’) shall submit to the Secretary any report received of a serious adverse event associated with such drug when used in the United States, accompanied by a copy of the label on or within the retail package of such drug.

“(c) SUBMISSION OF REPORTS.—

“(1) TIMING OF REPORTS.—The responsible person shall submit to the Secretary a serious adverse event report no later than 15 business days after the report is received through the address or phone number described in section 502(x).

“(2) NEW MEDICAL INFORMATION.—The responsible person shall submit to the Secretary any new medical information, related to a submitted serious adverse event report that is received by the responsible person within 1 year of the initial report, no later than 15 business days

after the new information is received by the responsible person.

“(3) CONSOLIDATION OF REPORTS.—The Secretary shall develop systems to ensure that duplicate reports of, and new medical information related to, a serious adverse event shall be consolidated into a single report.

“(4) EXEMPTION.—The Secretary, after providing notice and an opportunity for comment from interested parties, may establish an exemption to the requirements under paragraphs (1) and (2) if the Secretary determines that such exemption would have no adverse effect on public health.

“(d) CONTENTS OF REPORTS.—Each serious adverse event report under this section shall be submitted to the Secretary using the MedWatch form, which may be modified by the Secretary for nonprescription drugs, and may be accompanied by additional information.

“(e) MAINTENANCE AND INSPECTION OF RECORDS.—

“(1) MAINTENANCE.—The responsible person shall maintain records related to each report of an adverse event received by the responsible person for a period of 6 years.

“(2) RECORDS INSPECTION.—

“(A) IN GENERAL.—The responsible person shall permit an authorized person to have access to records required to be maintained under this section, during an inspection pursuant to section 704.

“(B) AUTHORIZED PERSON.—For purposes of this paragraph, the term ‘authorized person’ means an officer or employee of the Department of Health and Human Services who has—

“(i) appropriate credentials, as determined by the Secretary; and

“(ii) been duly designated by the Secretary to have access to the records required under this section.

“(f) PROTECTED INFORMATION.—A serious adverse event report submitted to the Secretary under this section, including any new medical information submitted under subsection (c)(2), or an adverse event report voluntarily submitted to the Secretary shall be considered to be—

“(1) a safety report under section 756 and may be accompanied by a statement, which shall be a part of any report that is released for public disclosure, that denies that the report or the records constitute an admission that the product involved caused or contributed to the adverse event; and

“(2) a record about an individual under section 552a of title 5, United States Code (commonly referred to as the ‘Privacy Act of 1974’) and a medical or similar file the disclosure of which would constitute a violation of section 552 of such title 5 (commonly referred to as the ‘Freedom of Information Act’), and shall not be publicly disclosed unless all personally identifiable information is redacted.

“(g) RULE OF CONSTRUCTION.—The submission of any adverse event report in compliance with this section shall not be construed as an admission that the nonprescription drug involved caused or contributed to the adverse event.

“(h) PREEMPTION.—

“(1) IN GENERAL.—No State or local government shall establish or continue in effect any law, regulation, order, or other requirement, related to a mandatory system for adverse event reports for nonprescription drugs, that is different from, in addition to, or otherwise not identical to, this section.

“(2) EFFECT OF SECTION.—

“(A) IN GENERAL.—Nothing in this section shall affect the authority of the Secretary to provide adverse event reports and information to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, under a memorandum of understanding between the Secretary and such State, territory, or political subdivision.

“(B) PERSONALLY-IDENTIFIABLE INFORMATION.—Notwithstanding any other provision of law, personally-identifiable information in ad-

verse event reports provided by the Secretary to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, shall not—

“(i) be made publicly available pursuant to any State or other law requiring disclosure of information or records; or

“(ii) otherwise be disclosed or distributed to any party without the written consent of the Secretary and the person submitting such information to the Secretary.

“(C) USE OF SAFETY REPORTS.—Nothing in this section shall permit a State, territory, or political subdivision of a State or territory, to use any safety report received from the Secretary in a manner inconsistent with subsection (g) or section 756.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.”.

(b) MODIFICATIONS.—The Secretary of Health and Human Services may modify requirements under the amendments made by this section in accordance with section 553 of title 5, United States Code, to maintain consistency with international harmonization efforts over time.

(c) PROHIBITED ACT.—Section 301(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended by—

(1) striking “, or 704(a);” and inserting “, 704(a), or 760;”; and

(2) striking “, or 564” and inserting “, 564, or 760”.

(d) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

“(x) If it is a nonprescription drug (as defined in section 760) that is marketed in the United States, unless the label of such drug includes an address or phone number through which the responsible person (as described in section 760) may receive a report of a serious adverse event (as defined in section 760) with such drug.”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(2) MISBRANDING.—Section 502(x) of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall apply to any nonprescription drug (as defined in such section 502(x)) labeled on or after the date that is 1 year after the date of enactment of this Act.

(3) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance on the minimum data elements that should be included in a serious adverse event report described under the amendments made by this Act.

#### SEC. 3. SERIOUS ADVERSE EVENT REPORTING FOR DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

##### “SEC. 761. SERIOUS ADVERSE EVENT REPORTING FOR DIETARY SUPPLEMENTS.

“(a) DEFINITIONS.—In this section:

“(1) ADVERSE EVENT.—The term ‘adverse event’ means any health-related event associated with the use of a dietary supplement that is adverse.

“(2) SERIOUS ADVERSE EVENT.—The term ‘serious adverse event’ is an adverse event that—

“(A) results in—

“(i) death;

“(ii) a life-threatening experience;

“(iii) inpatient hospitalization;

“(iv) a persistent or significant disability or incapacity; or

“(v) a congenital anomaly or birth defect; or

“(B) requires, based on reasonable medical judgment, a medical or surgical intervention to prevent an outcome described under subparagraph (A).

“(3) **SERIOUS ADVERSE EVENT REPORT.**—The term ‘serious adverse event report’ means a report that is required to be submitted to the Secretary under subsection (b).

“(b) **REPORTING REQUIREMENT.**—

“(1) **IN GENERAL.**—The manufacturer, packer, or distributor of a dietary supplement whose name (pursuant to section 403(e)(1)) appears on the label of a dietary supplement marketed in the United States (referred to in this section as the ‘responsible person’) shall submit to the Secretary any report received of a serious adverse event associated with such dietary supplement when used in the United States, accompanied by a copy of the label on or within the retail packaging of such dietary supplement.

“(2) **RETAILER.**—A retailer whose name appears on the label described in paragraph (1) as a distributor may, by agreement, authorize the manufacturer or packer of the dietary supplement to submit the required reports for such dietary supplements to the Secretary so long as the retailer directs to the manufacturer or packer all adverse events associated with such dietary supplement that are reported to the retailer through the address or telephone number described in section 403(y).

“(c) **SUBMISSION OF REPORTS.**—

“(1) **TIMING OF REPORTS.**—The responsible person shall submit to the Secretary a serious adverse event report no later than 15 business days after the report is received through the address or phone number described in section 403(y).

“(2) **NEW MEDICAL INFORMATION.**—The responsible person shall submit to the Secretary any new medical information, related to a submitted serious adverse event report that is received by the responsible person within 1 year of the initial report, no later than 15 business days after the new information is received by the responsible person.

“(3) **CONSOLIDATION OF REPORTS.**—The Secretary shall develop systems to ensure that duplicate reports of, and new medical information related to, a serious adverse event shall be consolidated into a single report.

“(4) **EXEMPTION.**—The Secretary, after providing notice and an opportunity for comment from interested parties, may establish an exemption to the requirements under paragraphs (1) and (2) if the Secretary determines that such exemption would have no adverse effect on public health.

“(d) **CONTENTS OF REPORTS.**—Each serious adverse event report under this section shall be submitted to the Secretary using the MedWatch form, which may be modified by the Secretary for dietary supplements, and may be accompanied by additional information.

“(e) **MAINTENANCE AND INSPECTION OF RECORDS.**—

“(1) **MAINTENANCE.**—The responsible person shall maintain records related to each report of an adverse event received by the responsible person for a period of 6 years.

“(2) **RECORDS INSPECTION.**—

“(A) **IN GENERAL.**—The responsible person shall permit an authorized person to have access to records required to be maintained under this section during an inspection pursuant to section 704.

“(B) **AUTHORIZED PERSON.**—For purposes of this paragraph, the term ‘authorized person’ means an officer or employee of the Department of Health and Human Services, who has—

“(i) appropriate credentials, as determined by the Secretary; and

“(ii) been duly designated by the Secretary to have access to the records required under this section.

“(f) **PROTECTED INFORMATION.**—A serious adverse event report submitted to the Secretary under this section, including any new medical information submitted under subsection (c)(2), or an adverse event report voluntarily submitted to the Secretary shall be considered to be—

“(1) a safety report under section 756 and may be accompanied by a statement, which shall be

a part of any report that is released for public disclosure, that denies that the report or the records constitute an admission that the product involved caused or contributed to the adverse event; and

“(2) a record about an individual under section 552a of title 5, United States Code (commonly referred to as the ‘Privacy Act of 1974’) and a medical or similar file the disclosure of which would constitute a violation of section 552 of such title 5 (commonly referred to as the ‘Freedom of Information Act’), and shall not be publicly disclosed unless all personally identifiable information is redacted.

“(g) **RULE OF CONSTRUCTION.**—The submission of any adverse event report in compliance with this section shall not be construed as an admission that the dietary supplement involved caused or contributed to the adverse event.

“(h) **PREEMPTION.**—

“(1) **IN GENERAL.**—No State or local government shall establish or continue in effect any law, regulation, order, or other requirement, related to a mandatory system for adverse event reports for dietary supplements, that is different from, in addition to, or otherwise not identical to, this section.

“(2) **EFFECT OF SECTION.**—

“(A) **IN GENERAL.**—Nothing in this section shall affect the authority of the Secretary to provide adverse event reports and information to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, under a memorandum of understanding between the Secretary and such State, territory, or political subdivision.

“(B) **PERSONALLY-IDENTIFIABLE INFORMATION.**—Notwithstanding any other provision of law, personally-identifiable information in adverse event reports provided by the Secretary to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, shall not—

“(i) be made publicly available pursuant to any State or other law requiring disclosure of information or records; or

“(ii) otherwise be disclosed or distributed to any party without the written consent of the Secretary and the person submitting such information to the Secretary.

“(C) **USE OF SAFETY REPORTS.**—Nothing in this section shall permit a State, territory, or political subdivision of a State or territory, to use any safety report received from the Secretary in a manner inconsistent with subsection (g) or section 756.

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary.”

(b) **PROHIBITED ACT.**—Section 301(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended by—

(1) striking “, or 760;” and inserting “, 760, or 761;” and

(2) striking “, or 760” and inserting “, 760, or 761”.

(c) **MISBRANDING.**—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

“(y) If it is a dietary supplement that is marketed in the United States, unless the label of such dietary supplement includes an address or phone number through which the responsible person (as described in section 761) may receive a report of a serious adverse event with such dietary supplement.”

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(2) **MISBRANDING.**—Section 403(y) of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall apply to any dietary supplement labeled on or after the date that is 1 year after the date of enactment of this Act.

(3) **GUIDANCE.**—Not later than 270 days after the date of enactment of this Act, the Secretary

of Health and Human Services shall issue guidance on the minimum data elements that should be included in a serious adverse event report as described under the amendments made by this Act.

**SEC. 4. PROHIBITION OF FALSIFICATION OF REPORTS.**

(a) **IN GENERAL.**—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

“(ii) The falsification of a report of a serious adverse event submitted to a responsible person (as defined under section 760 or 761) or the falsification of a serious adverse event report (as defined under section 760 or 761) submitted to the Secretary.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect 1 year after the date of enactment of this Act.

**SEC. 5. IMPORTATION OF CERTAIN NON-PRESCRIPTION DRUGS AND DIETARY SUPPLEMENTS.**

(a) **IN GENERAL.**—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended—

(1) in subsection (a), by inserting after the third sentence the following: “If such article is subject to a requirement under section 760 or 761 and if the Secretary has credible evidence or information indicating that the responsible person (as defined in such section 760 or 761) has not complied with a requirement of such section 760 or 761 with respect to any such article, or has not allowed access to records described in such section 760 or 761, then such article shall be refused admission, except as provided in subsection (b) of this section.”; and

(2) in the second sentence of subsection (b)—

(A) by inserting “(1)” before “an article included”; and

(B) by inserting before “final determination” the following: “or (2) with respect to an article included within the provision of the fourth sentence of subsection (a), the responsible person (as defined in section 760 or 761) can take action that would assure that the responsible person is in compliance with section 760 or 761, as the case may be,”; and

(C) by inserting “, or, with respect to clause (2), the responsible person,” before “to perform”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

Mr. HATCH. Mr. President, the Dietary Supplement and Nonprescription Drug Consumer Protection Act represents a too-rare-but-productive alliance between Democrats and Republicans and between consumer groups and FDA-regulated products manufacturers. This is a significant consumer protection measure. On behalf of my cosponsors, Senators DURBIN, HARKIN, ENZI, KENNEDY, and CORNYN, I want to express our enthusiasm that the bill will be approved by the Senate tonight.

Senator DURBIN, Senator HARKIN, and I have been working on this legislation for more than 2 years. Our effort has been enhanced by the expertise of Chairman ENZI and Senator KENNEDY. More recently, we were pleased that Senator CORNYN joined our ranks. I must also pay great tribute to our lead House sponsor, Representative CHRIS CANNON.

We have consulted broadly with all who have an interest in this issue—dietary supplement and nonprescription drug manufacturers, consumer and public health groups, retailers, wholesalers, and, of course, their lawyers! .

We have had meeting after meeting with the Food and Drug Administration.

Wherever possible, we have incorporated provisions to address their concerns.

The result—some 24 months and 21 drafts later—is the bill we consider tonight.

Some of my colleagues may ask, “Why is this bill necessary?” Let me answer that question.

Over half our population regularly uses dietary supplements. In fact, one government survey in 2004 indicated that nearly 60 percent of Americans regularly use dietary supplements to maintain or improve their healthy lifestyles.

Millions more use nonprescription or over-the-counter drugs, such as aspirin or cold tablets.

Although the FDA has a voluntary system to receive reports of problems with dietary supplements, and a mandatory system that covers some OTC drugs, there is no requirement for mandatory reporting for all of these products, as there is for prescription drugs and medical devices.

I happen to believe supplements are vastly more safe than prescription drugs. Indeed, the law which sets out the regulatory framework for supplements—the Dietary Supplement Health and Education Act, DSHEA, which Senator HARKIN and I authored with then-Representative Bill Richardson, explicitly treats most supplement products as foods. So, I in no way am suggesting that supplement products should be treated the same as prescription medications.

When we enacted DSHEA, we separated supplements into two categories—those that were on the market in the United States at the time of enactment, and those which would be marketed in the future—new dietary ingredients. The presumption of DSHEA, which by and large has worked well, is that products already on the market were being used safely. Some of these products, in fact, have been used safely for decades, if not millennia.

Those “grandfathered” products are not subject to any kind of premarket clearance by the FDA.

And for good reason.

The cost and time alone required to see a product through FDA approval would sound the death knell for this industry. Most supplement products cannot be patented, and there is no incentive for a manufacturer to put its product through this costly and onerous process when any other manufacturer could benefit equally from the fruits of the research and investment.

Finally, we also authorized the FDA to establish good manufacturing practice standards, GMPs, for supplements. Unfortunately, some 12 years later, those GMPs are still in the development stage, even though they were first finalized by the Clinton administration.

Senator HARKIN and I have spent several years trying to free them up, but that is a story for another time.

So, in essence, grandfathered products are assumed to be safe. But, in case some may not be, we inserted in the law a strong safety provision and we also added an “imminent hazard” authority so that FDA can immediately remove from marketing a product it suspects to be unsafe, no questions asked.

In 1994, we had no way of knowing what products would be marketed in the future. But to allay any concerns about the safety of new products, we required all manufacturers to submit information about new ingredients to the FDA before they are marketed. This NDI provision has by and large has worked well. It does allow the FDA premarket review for new products.

The reason I mention this is to explain the regulatory framework we set up in 1994 to help assure supplements are manufactured and marketed safely. We provided the FDA with an arsenal of tools to enforce the law. Some they have used, others not.

Since that time, the industry has grown. By some estimates, it is a \$20 billion industry today.

Critics of the industry have decried this growth as a negative development, and they have repeatedly said that the industry is “unregulated.” Every time I read that in the paper, or see it on TV, I cringe. And I know Senator HARKIN does as well. For it is simply wrong to suggest the industry is unregulated.

Indeed, under DSHEA, we set out a legal definition of what could be marketed as a dietary supplement. We set out a safety standard that products must have to meet. We allowed the FDA to develop good manufacturing process standards for supplements, and we have repeatedly asked the agency to issue those standards so they can be applied to products as they are being manufactured. We clarified what types of claims could be made about the products and what could not. We said these statements must be truthful and not misleading.

All of these requirements are set out in the law and are to be administered by the regulatory agency, the FDA.

And while the great, great majority of supplement products are used safely, there have been problems with some products. Some of these problems relate to manufacturing. Some relate to labeling.

Critics of supplements attribute any problem which might crop up to the fact that the industry is “unregulated.”

As I have proven, the industry is indeed regulated. It is just not regulated in the same fashion as drugs or devices. And it is worth highlighting that this is an industry largely comprised of men and women of good will, who want to provide the public with health enhancing products.

Let me hasten to add that we all recognize there are bad actors in the supplement industry, those who break the law and mislead consumers. They should be subject of swift and sure pun-

ishment by the FDA and the Federal Trade Commission, FTC. Their products should be removed from the marketplace and the full weight of the law should be brought down on these bad actors.

It is no secret that the FDA is a woefully underfunded agency, which will be the first to admit that its oversight of the dietary supplement industry is hampered by a lack of resources. For several years, Senator HARKIN and I have worked to rectify that shortcoming, and we are gratified that our Utah colleague, Senator BENNETT, chairman of the Agriculture Appropriations Subcommittee, has joined hands with us to infuse some badly needed resources into the FDA.

For those who are new to this body, let me mention that in 1994, the Senate agreed not once, but twice, to approve DSHEA by unanimous consent. The House also passed this bill by UC. It was not controversial.

Members recognized then, as they should now, that supplements are largely safe. But just to make doubly sure there was adequate regulation, we provided the FDA with an arsenal of tools to take action against problematic products.

Then comes ephedra.

I do not think it is a constructive exercise to rehash the history of ephedra. There were mistakes and problems all around in how this product's safety was evaluated and addressed.

But something did stand out: one company had literally hundreds, if not thousands, of reports about products with this product, none of which were revealed to Federal authorities.

There is no question in my mind that the too-long safety evaluation of ephedra would have been shortened considerably had we known earlier about these reports.

Two years ago, I began discussing with those who are interested in dietary supplement regulation whether it would be wise to implement a system of mandatory adverse event reporting, AER, for those products.

While I am reluctant to argue for greater government regulation, in this case it seemed to me a good case could be made that an AER system for supplements could complement the work we achieved with DSHEA and improve the government's ability to address the relatively few problems which arose.

Senator DURBIN and Senator HARKIN were also having similar thoughts.

We joined forces and after much study, discussion and negotiation, produced S. 3546.

It may be surprising to many of our colleagues that Senators HATCH, DURBIN, HARKIN, ENZI and KENNEDY stand together on this legislation—we come from very different perspectives on dietary supplement regulation.

And while we are each very passionate about our views, we are united in a common goal: improving the public health.

The premise for this bill is simple: mandating a system to provide the

government with information about serious adverse events associated with the use of two types of FDA-regulated products—dietary supplements and over-the-counter drugs—provides Federal authorities with a better tool to respond to any problems which might occur. This is an important public health initiative, which at the same time safeguards access to dietary supplements and over-the-counter drugs.

There is currently a voluntary reporting system for supplements and some OTC drugs our bill would replace that with a mandatory system.

Senator HARKIN and I have a long-standing interest in regulation of these products; stemming back to our work on DSHEA.

Senator DURBIN, as the former chair of the House Agriculture Appropriations Subcommittee, is one of the most knowledgeable senators in this body when it comes to FDA matters.

Our collaboration on this legislation, along with the distinguished chairman and ranking minority member of the committee of jurisdiction, the Health, Education, Labor and Pensions Committee, both of whom were integral to this process, has produced a bill which strikes the right balance between necessary regulation and over-regulation.

This is how the new system will work:

Manufacturers, packers or distributors of OTC drugs or dietary supplements marketed in the United States must provide to the FDA within 15 business days any reports of a serious adverse event associated with their products. Accompanying that report must be a copy of the label on or within the retail packaging of the supplement.

The definition of serious event is prescribed within the legislation. It is either an event that results in a death, life-threatening experience, inpatient hospitalization, persistent or significant disability or incapacity, or congenital anomaly or birth defect... or it is an event that requires based on reasonable medical judgment a medical or surgical intervention to prevent one of the outcomes I have just listed.

The bill requires that those reporting must, for one year, provide any new medical information related to the serious adverse event report. Again, that information must be submitted within 15 days.

In addition, manufacturers, packers and distributors must keep for 6 years records of any adverse event associated with the product, even though there is no reporting requirement unless the event meets the definition of serious.

For over-the-counter drugs, the definition of "adverse event" is a health-related event associated with the use of a nonprescription drug that is adverse, including: an event occurring from an overdose, whether accidental or intentional; an event occurring from abuse of the drug, or withdrawal from the drug; or any failure of pharmacological action.

For dietary supplements, an "adverse event" means any health-related event associated with the use of a dietary supplement that is adverse.

The reports will be submitted on the current MedWatch form, unless the Secretary of Health and Human Services chooses to modify that form at some point.

The bill makes clear that State health officials may have access to the adverse event reports, but that the Federal reporting system would supersede any state reporting laws.

As we met to develop this legislation, one thing we struggled with was the need to encourage responsible reporting in a way that manufacturers could implement. Some manufacturers indicated to us, for example, that they were not medical experts and could not determine in every case if a reporter's problem met the definition of "serious" contained in the bill.

To address this, we allow manufacturers to contract with third parties to handle the collection of reports. The manufacturers, of course, would still be ultimately responsible for reporting.

Another concern was making certain we appropriately defined the role of retailers, who are selling a range of products, some supplements, some OTCs, some not. We determined that retailers would not be considered reporting parties. If, however, a retailer contracts with manufacturers to distribute "private label" products, they may authorize the manufacturer or packer to submit reports, as long as the retailer directs to the manufacturer all reports it receives.

We also wanted to allow the FDA the flexibility to manage this program. At its request, we made the program self-implementing. We also included a provision to allow the Secretary, after notice and comment from interested parties, to establish an exemption to the reporting requirements if there would be no adverse effect on public health.

Finally, there are provisions in the bill to impose penalties for not reporting, not providing on the product label an address or phone number for reporting, and for providing a false report.

The law will go into effect one year after the date of enactment.

Before I close, I want to address some of the concerns that representatives of the dietary supplement industry have voiced with this legislation.

First, some have suggested there is no need for this legislation from a public policy or a consumer safety perspective. I disagree.

Many have unfairly criticized the industry over media reports that supplements are unsafe because there is no pre-market approval. While I can never support any system that requires pre-market approval for supplements, I have become convinced that having a system in place to identify problems quickly can only enhance the authorities we gave the FDA with DSHEA.

It is also good policy. As the industry matures, we need to separate out the

good actors from the bad. This is one way to show that this industry is a respectable, mainstream industry. Other major industries, e.g. pharmaceuticals, devices, are subject to mandatory AER reporting. Supplements are only handled through the voluntary reporting system.

And, I disagree with you those who avow there is no consumer safety benefit. Let's take an easy case—where there is a bad batch of a product. Enabling the FDA to know quickly there is a problem can help industry and the public.

Other critics note that the FDA fails to pursue egregious violations of DSHEA. They question why this program will help. As I discussed earlier, Senator Harkin and I have been working to increase FDA's funding for responsible enforcement of DSHEA. I have also discussed this with the Commissioner-nominee, Dr. Andrew von Eschenbach, whom I expect we will confirm tomorrow.

I listened carefully to one of my constituents who opposes this effort. He suggested that the FDA's voluntary system, the CAERS system, should be able to handle any reports of problems. Public health experts will agree that a voluntary system is not as good a sentinel as a mandatory system. In addition, those who report under the voluntary system are more likely to be physicians. Encouraging consumers to report to manufacturers through a phone number or address on the product's label will ensure a more thorough reporting system.

Yet another concern I have heard is that this bill has a significant economic impact that has not been studied appropriately. One estimate I have heard is that it could cost tens of millions of dollars a year to industry and consumers.

I have to say that these estimates do not seem to be supported by other industry representatives who already are instituting reporting systems of their own. During the drafting of this bill, we worked very hard to keep requirements to the minimum that would be necessary for a complete and full reporting of serious adverse events.

In addition, I have heard a suggestion that a better alternative to this bill would be a 1-800 number that consumers can use to contact FDA directly to report complaints. I discussed this idea with my colleagues and the FDA and found little support for this idea. What this could do is shift onto FDA the majority of reports about product problems. In other words, FDA fears that consumers would start phoning the agency, rather than the manufacturer, to report complaints for things like broken bottles or tablets, or to answer questions about usage. It is easy to see how this could end up relieving manufacturers of some of their consumer-related responsibilities and shift that onto the FDA.

Let me hasten to add that I understand the motivation behind these concerns. I will keep a close watch on this

new program as it is implemented, and pledge to reexamine it should problems of implementation arise.

In closing, I want to thank my colleagues for the spirit of collaboration which led to development of this legislation. In particular, I want to thank Senator DURBIN for his leadership on this issue. While we may not have always agreed on every provision, we did forge a bill on which we can agree. His top-notch staffer, now a distinguished professor, Krista Donahue, worked with us every step of the way.

Senator HARKIN is a steadfast supporter of the dietary supplement industry, and his guidance undoubtedly made this bill a better product. We benefitted greatly from the counsel of his legislative director, Pam Smith, and before her, Peter Reinecke, his former chief of staff. Peter was instrumental in drafting DSHEA as well.

Senator ENZI and Senator KENNEDY, both long-time experts in food and drug law, have both been most generous in their time and in moving the process forward. Chairman ENZI's FDA expert, Amy Muhlberg, helped guide us through this process and was key in our success. Senator KENNEDY's staffer, David Dorsey, once a top FDA, lawyer, was instrumental in the drafting and made countless invaluable suggestions.

I will take this opportunity to thank my own staff—Patti DeLoatche, who always stood for common sense and reason during heated arguments, the elusive Bruce Artim, now a top staffer at Eli Lilly, and of course, Patricia Knight, who helped draft DSHEA with me as well.

Finally, we couldn't have done it without Liz King and Stacey Kern-Scheerer in Legislative Counsel, who patiently produced the 21 drafts leading to the bill today.

I must also note the groups that also support the bill—the Consumer's Union, the Center for Science in the Public Interest, the Consumer Healthcare Products Association, the Natural Products Association, the Council for Responsible Nutrition, the American Herbal Products Association, and finally and most importantly, the Utah Natural Products Association.

That these groups, not often united—at least on this subject—can rally around our bill today is a testament to good policy, good politics, and a surviving bipartisan spirit.

It is my hope the Senate will give swift approval to this bipartisan measure and that the House will shortly thereafter do the same.

Mr. DURBIN. Mr. President, today, the Senate adopted a bipartisan bill that provides the Food and Drug Administration with the tools it needs to help monitor the safety of dietary supplements.

Dietary supplements are safely consumed by millions of Americans every day. I myself take a multivitamin every morning. The vast majority of these supplements do not result in harm to the consumer.

Unfortunately, this is not the case for all supplements. Some cause dangerous health problems: increased blood pressure, heart attack, stroke, seizures and liver failure. Ephedra is the most well-known among these.

Under the Dietary Supplement Health and Education Act, DSHEA, which passed in 1994, supplement manufacturers are not required to prove their products are safe or effective before they are marketed: supplements are assumed safe until proven unsafe.

The bill we passed today will help the FDA identify products that may be causing harm to consumers.

In 2000, the FDA contracted with the Institute of Medicine at the National Academies of Science to develop a scientific framework for the evaluation of dietary supplements under DSHEA.

IOM's proposals flowed from their first and essential recommendation to Congress: Make adverse event reporting mandatory. They asserted that "adverse event reports have considerable strength as potential warning signals of problems requiring attention, making monitoring by the FDA worthwhile."

Unfortunately, under current law, reporting is voluntary and it is not working. The Office of the Inspector General at the Department of Health and Human Services, HHS, estimated in 2001 that less than 1 percent of all adverse events associated with dietary supplements are reported to the FDA.

My own experience reinforces the need for a mandatory system of reporting. Metabolife told the FDA in February of 1999 that, "Metabolife has never been made aware of any adverse health events by consumers of its products. Metabolife has never received a notice from a consumer that any serious adverse health event has occurred because of ingestion of Metabolife 356."

The Justice Department began investigating the truthfulness of that statement and found that Metabolife was holding 16,500 adverse event reports, including almost 2,000 significant cardiac, neurological and psychiatric reports.

The Dietary Supplement and Non-prescription Drug Consumer Protection Act will prevent this scenario from ever happening again. Manufacturers of over-the-counter drugs and dietary supplements will be required to send these reports to the FDA.

I would like to thank Senators HATCH, HARKIN, ENZI and KENNEDY, who have worked with me for the last 3 years on this important issue.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3546), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### PROVIDING FOR CERTAIN LANDS TO BE HELD IN TRUST FOR THE UTU UTU GWAITU PAIUTE TRIBE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 622, H.R. 854.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 854) to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 854) was read the third time and passed.

#### WATER RESOURCES RESEARCH ACT AMENDMENTS OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 641, H.R. 4588.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4588) to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5213) was agreed to, as follows:

##### AMENDMENT NO. 5213

(Purpose: To modify provisions relating to scope of research, other activities, and cooperation and coordination)

On page 2, strike line 6 and insert the following:

"(B) the exploration of new ideas that—  
 "(i) address water problems; or  
 "(ii) expand understanding of water and water-related phenomena;

On page 3, line 24, strike "and".

On page 4, strike lines 1 and 2 and insert the following:

"(C) advances in water infrastructure and water quality improvements; and

"(D) methods for identifying, and determining the effectiveness of, treatment technologies and efficiencies."



On page 4, line 5, strike "5" and insert "7.5".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4588), as amended, was read the third time and passed.

#### CLARIFYING CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4092, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4092) to clarify certain land use in Jefferson County, Colorado.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4092) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4092

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CLARIFICATION OF CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO.

Notwithstanding any applicable State or local land use or condemnation laws or regulations, and subject to all applicable Federal laws and regulations, any person that holds an approved Federal Communications Commission permit to construct or install either a digital television broadcast station antenna or tower, or both, located on Lookout Mountain in Jefferson County in the State of Colorado, may, at such location, construct, install, use, modify, replace, repair, or consolidate such antenna or tower, or both, and all accompanying facilities and services associated with such digital television broadcasts, if such antenna or tower is of the same height or lower than the tallest existing analog broadcast antenna or tower at such location.

#### AMENDING THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4093, introduced earlier today by Senator HARKIN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4093) to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, today I introduced along with several colleagues legislation that will extend the current waiver of the 15-year term limit on USDA guaranteed loans which will expire on December 31, 2006. Starting January 1, 2007, many producers nationwide will become ineligible for Farm Service Agency, FSA, guaranteed loans. These loan guarantees enable producers to obtain credit to purchase farmland, livestock, feed, seed, farm equipment, and fuel essential to their farming operations. Without the Government guarantee many farmers will be unable to secure operating credit and will be forced out of their livelihood.

The FSA guarantee loan allows lenders to make agricultural credit available to farmers who may not meet the lenders' normal underwriting criteria. Borrowers apply for a guaranteed loan through an agricultural lender who then secures a guarantee from FSA. The guarantee covers up to 95 percent of the loss to the lender of principal and interest on a loan in case of default. Admirably, default rates on these loans are very low at 1.4 percent.

While the 15-year limit on eligibility is intended to graduate producers to commercial credit, we have found that in many cases producers simply are unable to meet lenders' standards without the guarantee. Term limits on guaranteed loans do not adequately take into consideration economic and weather conditions. In recent years, many of America's producers have suffered through high energy costs, droughts and hurricanes. Without this legislation, producers who have suffered through bad years due to these weather and economic conditions will no longer be eligible for loan guarantees they need to continue their operations.

Our bill will extend the term limit waiver until September 30, 2007. This step will help farmers and ranchers nationwide and allow Congress to address term limits on FSA guaranteed loans in the coming farm bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4093) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4093

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 5102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public Law 107-171) is amended by striking "December 31, 2006" and inserting "September 30, 2007".

#### NATIONAL SECURITY WORKING GROUP

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 625 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 625) extending the authority for the Senate National Security Working Group.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 625) was agreed to, as follows:

S. RES. 625

*Resolved*, That Senate Resolution 105 of the One Hundred First Congress, 1st session (agreed to on April 13, 1989), as amended by Senate Resolution 149 of the One Hundred Third Congress, 1st session (agreed to on October 5, 1993), as further amended by Senate Resolution 75 of the One Hundred Sixth Congress, 1st session (agreed to on March 25, 1999), as further amended by Senate Resolution 383 of the One Hundred Sixth Congress, 2d session (agreed to on October 27, 2000), as further amended by Senate Resolution 355 of the One Hundred Seventh Congress, 2d session (agreed to on November 13, 2002), and as further amended by Senate Resolution 480 of the One Hundred Eighth Congress, 2d session (agreed to November 20, 2004), is further amended in section 4 by striking "2006" and inserting "2008".

#### DAM SAFETY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 511, S. 2735.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2735) to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been from the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Dam Safety Act of 2006".*

#### SEC. 2. NATIONAL DAM INVENTORY.

Section 6 of the National Dam Safety Program Act (33 U.S.C. 467d) is amended to read as follows:

#### "SEC. 6. NATIONAL DAM INVENTORY.

"(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, shall maintain and update information on the inventory of dams in the United States.

"(b) REQUIREMENT.—The inventory of dams described in subsection (a) shall include a summary of the results of any inspection completed by either a Federal agency or a State dam safety agency."



**SEC. 3. NATIONAL DAM SAFETY PROGRAM.**

(a) **DUTIES.**—Section 8(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467f(b)(1)) is amended by striking “and target dates to” and inserting “performance measures, and target dates toward effectively administering this Act in order to”.

(b) **ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.**—Section 8(e)(2)(A) of the National Dam Safety Program Act (33 U.S.C. 467f(e)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking “substantially”;

(2) by redesignating clauses (iv) through (x) as clauses (v) through (xi), respectively;

(3) by inserting after clause (iii) the following: “(iv) the authority to require or perform periodic evaluations of all dams and reservoirs to determine the extent of the threat to human life and property in case of failure;”;

(4) in clause (vii) (as redesignated by paragraph (2)), by inserting “install and monitor instrumentation,” after “remedial work.”.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by striking “\$6,000,000 for each of fiscal years 2003 through 2006” and inserting “\$8,000,000 for each of fiscal years 2007 through 2011”;

(2) in subsection (b), by striking “\$500,000 for each fiscal year” and inserting “\$1,000,000 for each of fiscal years 2007 through 2011”;

(3) in subsection (c), by striking “\$1,500,000 for each of fiscal years 2003 through 2006” and inserting “\$2,000,000 for each of fiscal years 2007 through 2011”;

(4) in subsection (d), by striking “\$500,000 for each of fiscal years 2003 through 2006” and inserting “\$700,000 for each of fiscal years 2007 through 2011”; and

(5) in subsection (e), by striking “\$600,000 for each of fiscal years 2003 through 2006” and inserting “\$1,000,000 for each of fiscal years 2007 through 2011”.

Mr. FRIST. I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5214) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. DAM SAFETY.**

(a) **SHORT TITLE.**—This section may be cited as the “Dam Safety Act of 2006”.

(b) **NATIONAL DAM INVENTORY.**—Section 6 of the National Dam Safety Program Act (33 U.S.C. 467d) is amended to read as follows:

**“SEC. 6. NATIONAL DAM INVENTORY.**

“The Secretary of the Army shall maintain and update information on the inventory of dams in the United States. Such inventory of dams shall include any available information assessing each dam based on inspections completed by either a Federal agency or a State dam safety agency.”.

**(c) NATIONAL DAM SAFETY PROGRAM.—**

(1) **DUTIES.**—Section 8(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467f(b)(1)) is amended by striking “and target dates to” and inserting “performance measures, and target dates toward effectively administering this Act in order to”.

(2) **ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.**—Section 8(e)(2)(A) of the National Dam Safety Program Act (33 U.S.C. 467f(e)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking “substantially”;

(B) by redesignating clauses (iv) through (x) as clauses (v) through (xi), respectively;

(C) by inserting after clause (iii) the following:

“(iv) the authority to require or perform periodic evaluations of all dams and reservoirs to determine the extent of the threat to human life and property in case of failure;”;

(D) in clause (vii) (as redesignated by subparagraph (B)), by inserting “install and monitor instrumentation,” after “remedial work.”.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by striking “\$6,000,000 for each of fiscal years 2003 through 2006” and inserting “\$6,500,000 for fiscal year 2007, \$7,100,000 for fiscal year 2008, \$7,600,000 for fiscal year 2009, \$8,300,000 for fiscal year 2010, and \$9,200,000 for fiscal year 2011”;

(2) in subsection (b), by striking “\$500,000 for each fiscal year” and inserting “\$650,000 for fiscal year 2007, \$700,000 for fiscal year 2008, \$750,000 for fiscal year 2009, \$800,000 for fiscal year 2010, and \$850,000 for fiscal year 2011”;

(3) in subsection (c), by striking “\$1,500,000 for each of fiscal years 2003 through 2006” and inserting “\$1,600,000 for fiscal year 2007, \$1,700,000 for fiscal year 2008, \$1,800,000 for fiscal year 2009, \$1,900,000 for fiscal year 2010, and \$2,000,000 for fiscal year 2011”;

(4) in subsection (d), by striking “\$500,000 for each of fiscal years 2003 through 2006” and inserting “\$550,000 for fiscal year 2007, \$600,000 for fiscal year 2008, \$650,000 for fiscal year 2009, \$700,000 for fiscal year 2010, and \$750,000 for fiscal year 2011”; and

(5) in subsection (e), by striking “\$600,000 for each of fiscal years 2003 through 2006” and inserting “\$700,000 for fiscal year 2007, \$800,000 for fiscal year 2008, \$900,000 for fiscal year 2009, \$1,000,000 for fiscal year 2010, and \$1,100,000 for fiscal year 2011”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2735), as amended, was ordered to be engrossed for a third reading, read the third time and passed.

**POOL AND SPA SAFETY ACT**

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 654, S. 3718.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3718) to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Pool and Spa Safety Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Federal swimming pool and spa drain cover standard.

Sec. 4. State swimming pool safety grant program.

Sec. 5. Minimum State law requirements.

Sec. 6. Education program.

Sec. 7. Definitions.

Sec. 8. CPSC report.

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States;

(2) many children die due to pool and spa drowning and entrapment, such as Virginia Graeme Baker, who at age 7 drowned by entrapment in a residential spa;

(3) in 2003, 782 children ages 14 and under died as a result of unintentional drowning;

(4) adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning; and

(5) research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

**SEC. 3. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.**

(a) **CONSUMER PRODUCT SAFETY RULE.**—The provisions of subsection (b) shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) **DRAIN COVER STANDARD.**—Effective 1 year after the date of enactment of this Act, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating the same.

**SEC. 4. STATE SWIMMING POOL SAFETY GRANT PROGRAM.**

(a) **IN GENERAL.**—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) **ELIGIBILITY.**—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this Act, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 5(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 5; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) **AMOUNT OF GRANT.**—The Commission shall determine the amount of a grant awarded under this Act, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this Act in a preceding fiscal year.

(d) **USE OF GRANT FUNDS.**—A State receiving a grant under this section shall use—

(1) at least 50 percent of amount made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission for each of fiscal years 2008 through 2012 \$10,000,000 to carry out this section, such sums to remain available until expended.

#### **SEC. 5. MINIMUM STATE LAW REQUIREMENTS.**

(a) **IN GENERAL.**—

(1) **SAFETY STANDARDS.**—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain; and

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 3; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) **USE OF MINIMUM STATE LAW REQUIREMENTS.**—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 4 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 4 of this Act.

(3) **REQUIREMENTS TO REFLECT NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.**—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled "Safety Barrier Guidelines for Home Pools", the Commission's publication entitled "Guidelines for Entrapment Hazards: Making Pools and Spas Safer", and any other pool safety guidelines established by the Commission.

(b) **STANDARDS.**—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) **BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.**—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) **COVERS.**—A safety pool cover.

(2) **GATES.**—A gate with direct access to the swimming pool that is equipped with a self-closing, self-latching device.

(3) **DOORS.**—Any door with direct access to the swimming pool that is equipped with an au-

dible alert device or alarm which sounds when the door is opened.

(4) **POOL ALARM.**—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) **ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.**—

(1) **IN GENERAL.**—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) **SAFETY VACUUM RELEASE SYSTEM.**—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(B) **SUCTION-LIMITING VENT SYSTEM.**—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) **GRAVITY DRAINAGE SYSTEM.**—A gravity drainage system that utilizes a collector tank.

(D) **AUTOMATIC PUMP SHUT-OFF SYSTEM.**—An automatic pump shut-off system.

(E) **DRAIN DISABLEMENT.**—A device or system that disables the drain.

(F) **OTHER SYSTEMS.**—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) **APPLICABLE STANDARDS.**—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

#### **SEC. 6. EDUCATION PROGRAM.**

(a) **IN GENERAL.**—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission for each of fiscal years 2008 through 2012 \$5,000,000 to carry out the education program authorized by subsection (a).

#### **SEC. 7. DEFINITIONS.**

In this Act:

(1) **ASME/ANSI STANDARD.**—The term "ASME/ANSI standard" means a safety standard accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) **ASTM STANDARD.**—The term "ASTM standard" means a safety standard issued by ASTM International, formerly known as the American Society for Testing and Materials.

(3) **BARRIER.**—The term "barrier" includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

(4) **COMMISSION.**—The term "Commission" means the Consumer Product Safety Commission.

(5) **MAIN DRAIN.**—The term "main drain" means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(6) **SAFETY VACUUM RELEASE SYSTEM.**—The term "safety vacuum release system" means a

vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(7) **UNBLOCKABLE DRAIN.**—The term "unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

(8) **SWIMMING POOL; SPA.**—The term "swimming pool" or "spa" means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

#### **SEC. 8. CPSC REPORT.**

Within 1 year after the close of each fiscal year for which grants are made under section 4, the Commission shall submit a report to the Congress evaluating the effectiveness of the grant program authorized by that section.

Mr. FRIST. I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3718), as amended, was ordered to be engrossed for a third reading, read the third time and passed.

#### **IRAQ RECONSTRUCTION ACCOUNTABILITY ACT OF 2006**

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 666, S. 4046.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4046) to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4046) was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 4046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the "Iraq Reconstruction Accountability Act of 2006".

#### **SEC. 2. MODIFICATION OF THE TERMINATION DATE FOR THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.**

Section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1238;

5 U.S.C. App., note to section 8G of Public Law 95-452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), is amended to read as follows:

“(o) TERMINATION.—(1)(A) The Office of the Inspector General shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund have been expended.

“(B) For purposes of calculating the termination of the Office of the Inspector General under this subsection, any United States funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.

“(2) The Special Inspector General for Iraq Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare a final forensic audit report on all funds deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.”.

#### HONORING THE LIFE AND WORK OF WILLIAM WILBERFORCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to the consideration of S. Res. 613.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 613) honoring the life and work of William Wilberforce and commemorating the 200th anniversary of the abolition of the slave trade in Great Britain.

There being no objection, the Senate proceeded to the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 613) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 613

Whereas William Wilberforce, born August 25, 1759, used his position as a Member of Parliament in the House of Commons to stop the slave trade in Great Britain, proclaiming, “I [will] never rest until I have effected [slavery’s] abolition.”;

Whereas William Wilberforce displayed remarkable perseverance in answering the call of social justice and fought the slave trade in Great Britain and slavery itself for 46 years, despite the national and personal financial interests aligned against him, the public criticism and slander he endured, and the stress and pain placed on his family;

Whereas William Wilberforce rested his political career on the ideals of stewardship, respect for the rights of others, advancing the views of others, and promoting the happiness of others, and proclaimed, “Let every one . . . regulate his conduct by the golden rule . . . and the path of duty will be clear before him.”;

Whereas William Wilberforce defended the rights of slaves who had no voice in the legislature of Great Britain and committed himself to sweeping social reform in his country;

Whereas William Wilberforce joined with Sir Thomas Fowell Buxton, Thomas Clarkson, Olaudah Equiano, Harriet Martineau, Hannah More, and other great abolitionists in Great Britain;

Whereas William Wilberforce inspired abolitionists in the United States, including William Lloyd Garrison, John Greenleaf Whittier, Ralph Waldo Emerson, Henry David Thoreau, and Harriet Beecher Stowe;

Whereas William Wilberforce also influenced John Quincy Adams, James Monroe, John Jay, Abraham Lincoln, and Benjamin Franklin, along with many leaders in the African-American community, among them William Wells Brown, Paul Cuffe, and Benjamin Hughes;

Whereas Frederick Douglass said, “it was the faithful, persistent and enduring enthusiasm of . . . William Wilberforce . . . and [his] noble co-workers, that finally thawed the British heart into sympathy for the slave, and moved the strong arm of the government in mercy to put an end to his bondage.”; and

Whereas March 25, 2006 marks the 200th anniversary of the abolition of the slave trade in Great Britain: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the life and work of William Wilberforce; and

(2) commemorates the 200th anniversary of the abolition of the slave trade in Great Britain and its impact on similar efforts in the United States.

#### SUPPORTING THE STATE OF NEW YORK TO DEVELOP THE NATIONAL PURPLE HEART HALL OF HONOR

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H. Con. Res 419 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res 419) recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 419) was agreed to.

The preamble was agreed to.

#### RECOGNIZING THE ACCOMPLISHMENT OF THE AMERICAN COUNCIL OF YOUNG POLITICAL LEADERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate proceed to the immediate consideration of H. Con. Res 430.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 430) recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the concurrent resolution be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5215) was agreed to, as follows:

#### AMENDMENT NO. 5215

On page 3, in the third whereas clause, strike “during the hostilities” and insert “following the massacre”

The concurrent resolution (H. Con. Res. 430) was agreed to.

The preamble, as amended, was agreed to.

#### AMENDING THE WOOL PRODUCTS LABELING ACT OF 1939

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 4583 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4583) to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The bill (H.R. 4583) was ordered to a third reading, was read the third time, and passed.

# ESTABLISHING AN INTERAGENCY AEROSPACE REVITALIZATION TASK FORCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 758 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 758) to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 758) was ordered to a third reading, was read the third time, and passed.

# NURSING RELIEF FOR DISADVANTAGED AREAS REAUTHORIZATION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1285 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1285) to extend for 3 years changes to requirements for admission of non-immigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantaged Areas Act of 1999.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, without intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1285) was ordered to a third reading, was read the third time, and passed.

# PROVIDING FOR COMPENSATORY TIME OFF FOR TRAVEL

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 1876 and H.R. 4057, and that the Senate proceed to their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment that is at the desk be agreed to, that the bills, as amended, if amended, be passed, the motions to reconsider be laid upon the table, and that any statements relating to the measures be printed in the RECORD en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5216) was agreed to, as follows:

(Purpose: To revise the description of a certain citation)

In section 1, strike subsection (a) and insert the following:

(a) IN GENERAL.—Attorneys employed by the Department of Justice (including assistant United States attorneys) shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code, without regard to any provision of section 115 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106-113 and reenacted by section 111 of the Department of Justice Appropriations Act, 2001 (as enacted into law by appendix B of Public Law 106-553)).

The bill (S. 1876) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The bill (H.R. 4057) was ordered to a third reading, was read the third time, and passed.

# SECURE ACCESS TO JUSTICE AND COURT PROTECTION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1751 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1751) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, it has been a difficult struggle to pass a measure to improve court security. It should not have been. This bill should have been enacted months ago with bipartisan support. I thank the Democratic leader, Senator REID, the Senate Judiciary chairman, Senator SPECTER, and the assistant Democratic leader, Senator DURBIN, for their leadership and hard work in finally passing the Court Security Improvement Act of 2006, to increase protections for the dedicated women and men throughout the Judiciary in this country.

I hope the House of Representatives will take up and pass this measure. By so doing, they can bring to fruition before the end of this Congress our efforts

to provide increased security, an effort that gained new urgency after the tragedy that befell Judge Joan Lefkow of Chicago. She is the Federal judge whose mother and husband were murdered in their home. As we heard in her courageous testimony in May 2005 before the Judiciary Committee, this tragedy provided a terrible reminder not only of the vulnerable position of our judges and their families, but of the critical importance of protecting judges both where they work and where they and their families live. The shooting last summer of a State judge in Nevada provided another terrible reminder of the vulnerable position of our Nation's State and Federal judges. We cannot tolerate or excuse or justify violence or the threat of violence against judges.

It is most unfortunate that some in this country have chosen to use dangerous and irresponsible rhetoric when talking about judges, comparing judges to terrorists and threatening judges with punishment for decisions they do not like. This rhetoric can only foster unacceptable violence against judges and it must stop, for the sake of our judges and the independence of the judiciary. Judicial fairness and independence are essential if we are to maintain our freedoms. Let no one say things that might bring about further threats against our judges. We ought to be protecting them physically and institutionally. Easy rhetorical pot shots put judges in real danger.

The bill that passes today is a consensus, bipartisan bill. I hope it is a model for what we can achieve with bipartisan cooperation in the 110th Congress. Its core provisions, which previously passed the Senate in June as part of the managers' package of the John Warner National Defense Authorization Act for Fiscal Year 2007, S. 2766, come from S. 1968, the streamlined Court Security Improvement Act of 2005, CSIA, which Chairman SPECTER and I introduced last November.

The bill responds to requests by the Federal judiciary for a greater voice in working with the United States Marshals Service to determine their security needs. It enacts new criminal penalties for the misuse of restricted personal information to harm or threaten to harm Federal judges, their families or other individuals performing official duties. It enacts criminal penalties for threatening Federal judges and Federal law enforcement officials by the malicious filing of false liens, and provides increased protections for witnesses. The bill also contains provisions making available to states new resources to improve security for State and local court systems as well as providing additional protections for law enforcement officers. In particular, I thank Chairman SPECTER for agreeing to include in the bill an extension of life insurance benefits to bankruptcy, magistrate and territorial judges.

Finally, the bill contains provisions that have passed the Senate several

times extending and expanding to family members the authority of the Judicial Conference to redact certain information from a Federal judge's mandatory financial disclosure. This expired redaction authority was used in circumstances in which the release of the information could endanger the filer or the filer's family. I hope that the House of Representatives finally takes up and passes this much needed extension and expansion of redaction authority.

We owe it to our judges to better protect them and their families from violence and to ensure they have the peace of mind necessary to do their vital and difficult jobs.

Mr. FRIST. Mr. President, I ask unanimous consent that the Specter substitute amendment that is at the desk be agreed to; that the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5217) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time. The bill (H.R. 1751), as amended, was read the third time and passed.

#### ESTHER MARTINEZ NATIVE AMERICAN LANGUAGES PRESERVATION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of H.R. 4766 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4766) to amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4766) was ordered to a third reading, was read the third time, and passed.

#### CALL HOME ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged

from further consideration of S. 2653 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 2653) to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the Stevens amendment that is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5218) was agreed to, as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.

Pursuant to section 3006 of Public Law 109-171 (47 U.S.C. 309 note), the Assistant Secretary for Communications and Information of the Department of Commerce, in consultation with the Secretary of the Department of Homeland Security, shall award no less than \$1,000,000,000 for public safety interoperable communications grants no later than September 30, 2007 subject to the receipt of qualified applications as determined by the Assistant Secretary.

The bill (S. 2653) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

#### MARINE MAMMAL PROTECTION ACT AMENDMENTS OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 4075 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4075) to amend the Marine Mammal Protection Act of 1972, to provide for better understanding and protection of marine mammals, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5220) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 5221) was agreed to as follows:

Amend the title so as to read "An Act to amend the Marine Mammal Protection Act of 1972 in order to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population."

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4075), as amended, was read the third time and passed.

#### EXTENDING AUTHORITY TO THE SECRETARY OF THE ARMY

Mr. FRIST. Mr. President, I ask unanimous consent for the immediate consideration of H.R. 6316 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6316) to extend through December 31, 2008 the authority of the Secretary of the Army to accept and extend funds contributed by non-Federal public entities to expedite the processing of permits.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6316) was ordered to a third reading, was read the third time, and passed.

#### CREATING OPPORTUNITIES FOR MINOR LEAGUE PROFESSIONALS, ENTERTAINERS, AND TEAMS THROUGH LEGAL ENTRY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3821 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3821) to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that a Collins amendment at the desk be agreed to; the bill, as amended, be read the third time and passed, a motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5223) was agreed to as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as either the “Creating Opportunities for Minor League Professionals, Entertainers, and Teams through Legal Entry Act of 2006” or the “COMPETE Act of 2006”.

#### SEC. 2. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

“(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance;

“(II) is a professional athlete, as defined in section 204(i)(2);

“(III) is a professional athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

“(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country;

“(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association; and

“(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league; or

“(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production; and

“(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

“(I) as such an athlete with respect to a specific athletic competition; or

“(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.”.

(b) LIMITATION.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following:

“(F)(i) No nonimmigrant visa under section 101(a)(15)(P)(i)(a) shall be issued to any alien who is a national of a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety, national security, or national interest of the United States. In making a determination under this subparagraph, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

“(ii) In this subparagraph, the term ‘state sponsor of international terrorism’ means any country the government of which has been determined by the Secretary of State under any of the laws specified in clause (iii) to have repeatedly provided support for acts of international terrorism.

“(iii) The laws specified in this clause are the following:

“(I) Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or successor statute).

“(II) Section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

“(III) Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).”.

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsection (b), is further amended by adding at the end the following:

“(G) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than 1 alien as a nonimmigrant under section 101(a)(15)(P)(i)(a).”.

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsections (b) and (c), is further amended by adding at the end the following:

“(H) The Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i) if the athlete is eligible under such other provision.”.

The bill (S. 3821) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

#### ADMONISHING THE STATEMENTS MADE BY PRESIDENT HUGO CHAVEZ AT THE UNITED NATIONS GENERAL ASSEMBLY

#### EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD PROMOTE THE ADOPTION OF A RESOLUTION PROTECTING LIVING RESOURCES OF THE HIGH SEAS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration and the Senate proceed to the immediate consideration of S. Res. 607 and S. Res. 610 en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 607) admonishing the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006, and the undemocratic actions of President Chavez.

A resolution (S. Res. 610) expressing the sense of the Senate that the United States should promote the adoption of, and the United Nations should adopt, a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 607) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 607

Whereas President Chavez referred to the President of the United States as “the devil”, and referred to the President as “the spokesman of imperialism” for the efforts of the United States to aid the citizens of Afghanistan and Iraq in the goal of those citizens to create a permanent and viable representative government;

Whereas President Chavez made unsubstantiated claims that the United States had set in motion a coup in Venezuela on April 11, 2002, and continues to support coup attempts in Venezuela and elsewhere;

Whereas, to consolidate his powers, President Chavez—

(1) continues to weaken the separation of powers and democratic institutions of the Government of Venezuela;

(2) survived a recall vote in August 2004 through questionably undemocratic actions;

(3) decreed that all private property deemed “not in productive use” will be confiscated by the Government of Venezuela and redistributed to third parties;

(4) enacted a media responsibility law that—

(A) placed restrictions on broadcast media coverage; and

(B) imposed severe penalties for violators of that law;

(5) used other legal methods to silence media outlets that criticized his government; and

(6) changed the penal code of Venezuela—

(A) to restrict the rights of freedom of expression and freedom of association once enjoyed by the citizens of Venezuela; and

(B) to increase jail terms for those convicted of criticizing the government of that country;

Whereas, in an effort to destabilize the democratic governments of other countries in that region, President Chavez continues to support anti-democratic forces in Colombia, Ecuador, Peru, and Nicaragua, as well as radical and extremist parties in those countries;

Whereas President Chavez has repeatedly stated his desire to unite Latin America to serve as a buffer against the people and interests of the United States;

Whereas President Chavez has aligned himself with countries that are classified by the Department of State as state sponsors of terrorism; and

Whereas President Chavez has developed a close relationship with the totalitarian regime in Cuba, led by Fidel Castro, and has also associated himself with other authoritarian leaders, including Kim Jong Il of North Korea and Mahmoud Ahmadinejad in Iran: Now, therefore, be it

*Resolved*, That the Senate condemns—

(1) the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006; and

(2) the undemocratic actions of President Chavez.

The resolution (S. Res. 610) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 610

Whereas it is of paramount importance to the United States and all nations to ensure the protection, conservation, and sustainable management of high seas living marine resources;

Whereas fisheries of the high seas annually generate hundreds of millions of dollars in economic activity and support thousands of



jobs in the United States and its territories as well as nations throughout the world;

Whereas the high seas constitute a globally significant reservoir of marine biodiversity, and compounds derived from organisms found on the high seas show promise for the treatment of deadly diseases such as cancer and asthma;

Whereas the United Nations Food and Agriculture Organization reports that a growing number of high seas fish stocks important to the United States and the world are overfished or depleted;

Whereas the United Nations has called for urgent action to address the impact of high seas fishing practices that have adverse impacts on vulnerable marine species and habitats;

Whereas destructive, illegal, unreported, and unregulated fishing by vessels flying non-United States flags threatens high seas fisheries and the habitats that support them;

Whereas nations whose fleets conduct destructive, illegal, unreported, and unregulated high seas fishing enjoy an unfair competitive advantage over United States fishermen, who must comply with the rigorous conservation and management requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other laws in order to conserve exhaustible natural resources; and

Whereas international cooperation is necessary to address destructive, illegal, unreported, and unregulated fishing which harms the sustainability of high seas living marine resources and the United States fishing industry: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States should continue to demonstrate international leadership and responsibility regarding the conservation and sustainable use of high seas living marine resources by vigorously promoting the adoption of a resolution at this year's 61st session of the United Nations General Assembly calling on all nations to protect vulnerable marine habitats by prohibiting their vessels from engaging in destructive fishing activity in areas of the high seas where there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement, until such time as conservation and management measures consistent with the Magnuson-Stevens Act, the United Nations Fish Stocks Agreement, and other relevant instruments are adopted and implemented to regulate such vessels and fisheries; and

(2) the United States calls upon the member nations of the United Nations to adopt a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices.

#### CONSUMER ASSURANCE OF RADIOLOGIC EXCELLENCE ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 668, S. 2322.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2322) to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

There being no objection, the Senate proceed to consider the bill which had

been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 2322

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

[This Act may be cited as the "Consumer Assurance of Radiologic Excellence Act of 2006".]

#### SEC. 2. PURPOSE.

[The purpose of this Act is to improve the quality and value of healthcare by increasing the safety and accuracy of medical imaging examinations and radiation therapy treatments, thereby reducing duplication of services and decreasing costs.]

#### SEC. 3. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

[Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following:

#### ["Subpart 4—Medical Imaging and Radiation Therapy

#### ["SEC. 355. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

["(a) ESTABLISHMENT OF STANDARDS.—

["(1) IN GENERAL.—The Secretary, in consultation with recognized experts in the technical provision of medical imaging and radiation therapy services, shall establish standards to ensure the safety and accuracy of medical imaging studies and radiation therapy treatments. Such standards shall pertain to the personnel who perform, plan, evaluate, or verify patient dose for medical imaging studies and radiation therapy procedures and not to the equipment used.

["(2) EXPERTS.—The Secretary shall select expert advisers under paragraph (1) to reflect a broad and balanced input from all sectors of the health care community that are involved in the provision of such services to avoid undue influence from any single sector of practice on the content of such standards.

["(3) LIMITATION.—The Secretary shall not take any action under this subsection that would require licensure by a State of those who provide the technical services referred to in this subsection.

["(b) EXEMPTIONS.—The standards established under subsection (a) shall not apply to physicians (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))), nurse practitioners and physician assistants (as defined in section 1861(aa)(5) of the Social Security Act (42 U.S.C. 1395x(aa)(5))).

["(c) REQUIREMENTS.—

["(1) IN GENERAL.—Under the standards established under subsection (a), the Secretary shall ensure that individuals, prior to performing or planning medical imaging and radiation therapy services, demonstrate compliance with the standards established under subsection (a) through successful completion of certification by a professional organization, licensure, completion of an examination, pertinent coursework or degree program, verified pertinent experience, or through other ways determined appropriate by the Secretary, or through some combination thereof.

["(2) MISCELLANEOUS PROVISIONS.—The standards established under subsection (a)—

["(A) may vary from discipline to discipline, reflecting the unique and specialized nature of the technical services provided, and shall represent expert consensus as to what constitutes excellence in practice and be appropriate to the particular scope of care involved;

["(B) may vary in form for each of the covered disciplines; and

["(C) may exempt individual providers from meeting certain standards based on their scope of practice.

["(3) RECOGNITION OF INDIVIDUALS WITH EXTENSIVE PRACTICAL EXPERIENCE.—For purposes of this section, the Secretary shall, through regulation, provide a method for the recognition of individuals whose training or experience are determined to be equal to, or in excess of, those of a graduate of an accredited educational program in that specialty, or of an individual who is regularly eligible to take the licensure or certification examination for that discipline.

["(d) APPROVED BODIES.—

["(1) IN GENERAL.—Not later than the date described in subsection (j)(2), the Secretary shall begin to certify qualified entities as approved bodies with respect to the accreditation of the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a), if such organizations or agencies meet the standards established by the Secretary under paragraph (2) and provide the assurances required under paragraph (3).

["(2) STANDARDS.—The Secretary shall establish minimum standards for the certification of approved bodies under paragraph (1) (including standards for recordkeeping, the approval of curricula and instructors, the charging of reasonable fees for certification or for undertaking examinations, and standards to minimize the possibility of conflicts of interest), and other additional standards as the Secretary may require.

["(3) ASSURANCES.—To be certified as an approved body under paragraph (1), an organization or agency shall provide the Secretary satisfactory assurances that the body will—

["(A) be a nonprofit organization;

["(B) comply with the standards described in paragraph (2);

["(C) notify the Secretary in a timely manner if the body fails to comply with the standards described in paragraph (2); and

["(D) provide such other information as the Secretary may require.

["(4) WITHDRAWAL OF APPROVAL.—

["(A) IN GENERAL.—The Secretary may withdraw the certification of an approved body if the Secretary determines the body does not meet the standards under paragraph (2).

["(B) EFFECT OF WITHDRAWAL.—The withdrawal of the certification of an approved body under subparagraph (A) shall have no effect on the certification status of any individual or person that was certified by that approved body prior to the date of such withdrawal.

["(e) EXISTING STATE STANDARDS.—Standards established by a State for the licensure or certification of personnel, accreditation of educational programs, or administration of examinations shall be deemed to be in compliance with the standards of this section unless the Secretary determines that such State standards do not meet the minimum standards prescribed by the Secretary or are inconsistent with the purposes of this section.

["(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State or other approved body from requiring compliance with a higher standard of education and training than that specified by this section.

["(g) EVALUATION AND REPORT.—The Secretary shall periodically evaluate the performance of each approved body under subsection (d) at an interval determined appropriate by the Secretary. The results of such evaluations shall be included as part of the report submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy



and Commerce of the House of Representatives in accordance with 354(e)(6)(B).

["(h) DELIVERY OF AND PAYMENT FOR SERVICES.—Not later than the date described in subsection (j)(3), the Secretary shall promulgate regulations to ensure that all programs under the authority of the Secretary that involve the performance of or payment for medical imaging or radiation therapy, are performed in accordance with the standards established under this section.

["(i) ALTERNATIVE STANDARDS FOR RURAL AND UNDERSERVED AREAS.—The Secretary shall determine whether the standards established under subsection (a) must be met in their entirety for medical imaging or radiation therapy that is performed in a geographic area that is determined by the Medicare Geographic Classification Review Board to be a 'rural area' or that is designated as a health professional shortage area. If the Secretary determines that alternative standards for such rural areas or health professional shortage areas are appropriate to assure access to quality medical imaging, the Secretary is authorized to develop such alternative standards.

["(j) APPLICABLE TIMELINES.—

["(1) GENERAL IMPLEMENTATION REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate such regulations as may be necessary to implement all standards in this section except those provided for in subsection (d)(2).

["(2) MINIMUM STANDARDS FOR CERTIFICATION OF APPROVED BODIES.—Not later than 24 months after the date of enactment of this section, the Secretary shall establish the standards regarding approved bodies referred to in subsection (d)(2) and begin certifying approved bodies under such subsection.

["(3) REGULATIONS FOR DELIVERY OF OR PAYMENT FOR SERVICES.—Not later than 36 months after the date of enactment of this section, the Secretary shall promulgate the regulations described in subsection (h). The Secretary may withhold the provision of Federal assistance as provided for in subsection (h) beginning on the date that is 48 months after the date of enactment of this section.

["(k) DEFINITIONS.—In this section:

["(1) APPROVED BODY.—The term 'approved body' means an entity that has been certified by the Secretary under subsection (d)(1) to accredit the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a) with respect to performing, planning, evaluating, or verifying patient dose for medical imaging or radiation therapy.

["(2) MEDICAL IMAGING.—The term 'medical imaging' means any procedure used to visualize tissues, organs, or physiologic processes in humans for the purpose of diagnosing illness or following the progression of disease. Images may be produced utilizing ionizing radiation, radiopharmaceuticals, magnetic resonance, or ultrasound and image production may include the use of contrast media or computer processing. For purposes of this section, such term does not include routine dental diagnostic procedures.

["(3) PERFORM.—The term 'perform', with respect to medical imaging or radiation therapy, means—

["(A) the act of directly exposing a patient to radiation via ionizing or radio frequency radiation, to ultrasound, or to a magnetic field for purposes of medical imaging or for purposes of radiation therapy; and

["(B) the act of positioning a patient to receive such an exposure.

["(4) PLAN.—The term 'plan', with respect to medical imaging or radiation therapy, means the act of preparing for the perform-

ance of such a procedure to a patient by evaluating site-specific information, based on measurement and verification of radiation dose distribution, computer analysis, or direct measurement of dose, in order to customize the procedure for the patient.

["(5) RADIATION THERAPY.—The term 'radiation therapy' means any procedure or article intended for use in the cure, mitigation, treatment, or prevention of disease in humans that achieves its intended purpose through the emission of radiation."

#### SEC. 4. REPORT ON THE EFFECTS OF THIS ACT.

["(a) Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the effects of this Act. Such report shall include the types and numbers of providers for whom standards have been developed, the impact of such standards on diagnostic accuracy and patient safety, and the availability and cost of services. Entities reimbursed for technical services through programs operating under the authority of the Secretary of Health and Human Services shall be required to contribute data to such report.】

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Consumer Assurance of Radiologic Excellence Act of 2006".*

#### SEC. 2. PURPOSE.

*The purpose of this Act is to improve the quality and value of healthcare by increasing the safety and accuracy of medical imaging examinations and radiation therapy treatments, thereby reducing duplication of services and decreasing costs.*

#### SEC. 3. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

*Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following:*

##### **"Subpart 4—Medical Imaging and Radiation Therapy**

#### **"SEC. 355. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.**

*"(a) ESTABLISHMENT OF STANDARDS.—*

*"(1) IN GENERAL.—The Secretary, in consultation with recognized experts in the technical provision of medical imaging and radiation therapy services, shall establish standards to ensure the safety and accuracy of medical imaging studies and radiation therapy treatments. Such standards shall pertain to the personnel who perform, plan, evaluate, or verify patient dose for medical imaging studies and radiation therapy procedures and not to the equipment used.*

*"(2) EXPERTS.—The Secretary shall select expert advisers under paragraph (1) to reflect a broad and balanced input from all sectors of the health care community that are involved in the provision of such services to avoid undue influence from any single sector of practice on the content of such standards.*

*"(3) LIMITATION.—The Secretary shall not take any action under this subsection that would require licensure by a State of those who provide the technical services referred to in this subsection.*

*"(b) EXEMPTIONS.—The standards established under subsection (a) shall not apply to physicians (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))), nurse practitioners and physician assistants (as defined in section 1861(aa)(5) of the Social Security Act (42 U.S.C. 1395x(aa)(5))).*

*"(c) REQUIREMENTS.—*

*"(1) IN GENERAL.—Under the standards established under subsection (a), the Secretary shall ensure that individuals, prior to performing or planning medical imaging and radiation ther-*

*apy services, demonstrate compliance with the standards established under subsection (a) through successful completion of certification by a professional organization, licensure, completion of an examination, pertinent coursework or degree program, verified pertinent experience, or through other ways determined appropriate by the Secretary, or through some combination thereof.*

*"(2) MISCELLANEOUS PROVISIONS.—The standards established under subsection (a)—*

*"(A) may vary from discipline to discipline, reflecting the unique and specialized nature of the technical services provided, and shall represent expert consensus as to what constitutes excellence in practice and be appropriate to the particular scope of care involved;*

*"(B) may vary in form for each of the covered disciplines; and*

*"(C) may exempt individual providers from meeting certain standards based on their scope of practice.*

*"(3) RECOGNITION OF INDIVIDUALS WITH EXTENSIVE PRACTICAL EXPERIENCE.—For purposes of this section, the Secretary shall, through regulation, provide a method for the recognition of individuals whose training or experience are determined to be equal to, or in excess of, those of a graduate of an accredited educational program in that specialty, or of an individual who is regularly eligible to take the licensure or certification examination for that discipline.*

*"(d) APPROVED BODIES.—*

*"(1) IN GENERAL.—Not later than the date described in subsection (j)(2), the Secretary shall begin to certify qualified entities as approved bodies with respect to the accreditation of the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a), if such organizations or agencies meet the standards established by the Secretary under paragraph (2) and provide the assurances required under paragraph (3).*

*"(2) STANDARDS.—The Secretary shall establish minimum standards for the certification of approved bodies under paragraph (1) (including standards for recordkeeping, the approval of curricula and instructors, the charging of reasonable fees for certification or for undertaking examinations, and standards to minimize the possibility of conflicts of interest), and other additional standards as the Secretary may require.*

*"(3) ASSURANCES.—To be certified as an approved body under paragraph (1), an organization or agency shall provide the Secretary satisfactory assurances that the body will—*

*"(A) be a nonprofit organization;*

*"(B) comply with the standards described in paragraph (2);*

*"(C) notify the Secretary in a timely manner if the body fails to comply with the standards described in paragraph (2); and*

*"(D) provide such other information as the Secretary may require.*

*"(4) WITHDRAWAL OF APPROVAL.—*

*"(A) IN GENERAL.—The Secretary may withdraw the certification of an approved body if the Secretary determines the body does not meet the standards under paragraph (2).*

*"(B) EFFECT OF WITHDRAWAL.—The withdrawal of the certification of an approved body under subparagraph (A) shall have no effect on the certification status of any individual or person that was certified by that approved body prior to the date of such withdrawal.*

*"(e) EXISTING STATE STANDARDS.—Standards established by a State for the licensure or certification of personnel, accreditation of educational programs, or administration of examinations shall be deemed to be in compliance with the standards of this section unless the Secretary determines that such State standards do not meet the minimum standards prescribed by the Secretary or are inconsistent with the purposes of this section. The Secretary shall establish a process by which a State may respond to or appeal a determination made by the Secretary under the preceding sentence.*

“(f) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prohibit a State or other approved body from requiring compliance with a higher standard of education and training than that specified by this section. Notwithstanding any other provision of this section, individuals who provide medical imaging services relating to mammograms shall continue to meet the standards applicable under the Mammography Quality Standards Act of 1992.

“(g) **EVALUATION AND REPORT.**—The Secretary shall periodically evaluate the performance of each approved body under subsection (d) at an interval determined appropriate by the Secretary. The results of such evaluations shall be included as part of the report submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives in accordance with 354(e)(6)(B).

“(h) **DELIVERY OF AND PAYMENT FOR SERVICES.**—Not later than the date described in subsection (j)(3), the Secretary shall promulgate regulations to ensure that all programs under the authority of the Secretary that involve the performance of or payment for medical imaging or radiation therapy, are performed in accordance with the standards established under this section.

“(i) **ALTERNATIVE STANDARDS FOR RURAL AND UNDERSERVED AREAS.**—

“(1) **IN GENERAL.**—The Secretary shall determine whether the standards established under subsection (a) must be met in their entirety for medical imaging or radiation therapy that is performed in a geographic area that is determined by the Medicare Geographic Classification Review Board to be a ‘rural area’ or that is designated as a health professional shortage area. If the Secretary determines that alternative standards for such rural areas or health professional shortage areas are appropriate to assure access to quality medical imaging, the Secretary is authorized to develop such alternative standards.

“(2) **STATE DISCRETION.**—The chief executive officer of a State may submit to the Secretary a statement declaring that an alternative standard developed under paragraph (1) is inappropriate for application to such State, and such alternative standard shall not apply in such submitting State. The chief executive officer of a State may rescind a statement described in this paragraph following the provision of appropriate notice to the Secretary.

“(j) **APPLICABLE TIMELINES.**—

“(1) **GENERAL IMPLEMENTATION REGULATIONS.**—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate such regulations as may be necessary to implement all standards in this section except those provided for in subsection (d)(2).

“(2) **MINIMUM STANDARDS FOR CERTIFICATION OF APPROVED BODIES.**—Not later than 24 months after the date of enactment of this section, the Secretary shall establish the standards regarding approved bodies referred to in subsection (d)(2) and begin certifying approved bodies under such subsection.

“(3) **REGULATIONS FOR DELIVERY OF OR PAYMENT FOR SERVICES.**—Not later than 36 months after the date of enactment of this section, the Secretary shall promulgate the regulations described in subsection (h). The Secretary may withhold the provision of Federal assistance as provided for in subsection (h) beginning on the date that is 48 months after the date of enactment of this section.

“(k) **DEFINITIONS.**—In this section:

“(1) **APPROVED BODY.**—The term ‘approved body’ means an entity that has been certified by the Secretary under subsection (d)(1) to accredit the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a) with respect to performing, planning, evaluating, or verifying patient dose for medical imaging or radiation therapy.

“(2) **MEDICAL IMAGING.**—The term ‘medical imaging’ means any procedure used to visualize tissues, organs, or physiologic processes in humans for the purpose of diagnosing illness or following the progression of disease. Images may be produced utilizing ionizing radiation, radio-pharmaceuticals, magnetic resonance, or ultrasound and image production may include the use of contrast media or computer processing. For purposes of this section, such term does not include routine dental diagnostic procedures.

“(3) **PERFORM.**—The term ‘perform’, with respect to medical imaging or radiation therapy, means—

“(A) the act of directly exposing a patient to radiation via ionizing or radio frequency radiation, to ultrasound, or to a magnetic field for purposes of medical imaging or for purposes of radiation therapy; and

“(B) the act of positioning a patient to receive such an exposure.

“(4) **PLAN.**—The term ‘plan’, with respect to medical imaging or radiation therapy, means the act of preparing for the performance of such a procedure to a patient by evaluating site-specific information, based on measurement and verification of radiation dose distribution, computer analysis, or direct measurement of dose, in order to customize the procedure for the patient.

“(5) **RADIATION THERAPY.**—The term ‘radiation therapy’ means any procedure or article intended for use in the cure, mitigation, treatment, or prevention of disease in humans that achieves its intended purpose through the emission of radiation.

“(1) **SUNSET.**—This section shall have no force or effect after September 30, 2016.”

#### SEC. 4. REPORT ON THE EFFECTS OF THIS ACT.

(a) Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the effects of this Act. Such report shall include the types and numbers of providers for whom standards have been developed, the impact of such standards on diagnostic accuracy and patient safety, and the availability and cost of services. Entities reimbursed for technical services through programs operating under the authority of the Secretary of Health and Human Services shall be required to contribute data to such report.

Mr. FRIST. I ask unanimous consent the committee-reported amendment be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2322) was ordered to be engrossed for a third reading, was read the third time, and passed.

#### NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM ACT OF 2006

Mr. FRIST. I ask unanimous consent the Committee on Commerce be discharged from further consideration of H.R. 5136 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5136) to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5136) was ordered to a third reading, was read the third time, and passed.

#### REAUTHORIZING THE EXPORT-IMPORT BANK OF THE UNITED STATES

Mr. FRIST. I ask unanimous consent the Chair now lay before the Senate the House measure to accompany S. 3938.

The Chair laid before the Senate the following message from the House of Representatives:

S. 3938

Resolved, That the bill from the Senate (S. 3938) entitled “An Act to reauthorize the Export-Import Bank of the United States.”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Export-Import Bank Reauthorization Act of 2006”.

(b) **TABLE OF CONTENTS.**—

- Sec. 1. Short title; table of contents.
- Sec. 2. Extension of authority.
- Sec. 3. Sub-Saharan Africa Advisory Committee.
- Sec. 4. Extension of authority to provide financing for the export of non-lethal defense articles or services the primary end use of which will be for civilian purposes.
- Sec. 5. Designation of sensitive commercial sectors and products.
- Sec. 6. Increasing exports by small business.
- Sec. 7. Anti-circumvention.
- Sec. 8. Transparency.
- Sec. 9. Aggregate loan, guarantee, and insurance authority.
- Sec. 10. Tied aid credit program.
- Sec. 11. Prohibition on assistance to develop or promote certain railway connections and railway-related connections.
- Sec. 12. Process for notifying applicants of application status; implementation of Ex-Im Online.
- Sec. 13. Competitiveness initiatives.
- Sec. 14. Office of financing for socially and economically disadvantaged small business concerns and small business concerns owned by women.
- Sec. 15. Governance.
- Sec. 16. Sense of Congress regarding multi-buyer insurance and capital guarantee programs.
- Sec. 17. Sense of Congress regarding office of renewable energy promotion.
- Sec. 18. Environmental matters.
- Sec. 19. Government Accountability Office study of bank performance standards for assistance to small businesses, especially those owned by social and economically disadvantaged individuals and those owned by women.

Sec. 20. Reports.

Sec. 21. Study of how Export-Import Bank could assist United States exporters to meet import needs of new or impoverished democracies; report.

## SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "2006" and inserting "2011".

## SEC. 3. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

(a) **EXTENSION OF AUTHORITY.**—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking "2006" and inserting "2011".

(b) **IMPROVED LIAISON WITH AFRICAN REGIONAL FINANCIAL INSTITUTIONS.**—

(1) **MASTER GUARANTEE AGREEMENTS.**—Within 1 year after the date of the enactment of this Act, the Export-Import Bank of the United States shall seek to ensure that there is in effect a contract between each approved lender in Africa and the Bank, which sets forth the Bank's guarantee undertakings and related obligations between the Bank and each lender.

(2) **REPORT ON WORKING RELATIONSHIPS WITH THE AFRICAN DEVELOPMENT BANK, THE AFRICAN EXPORT-IMPORT BANK, AND OTHER INSTITUTIONS.**—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)) is amended by adding at the end the following:

"(C) The Bank shall include in the annual report to the Congress submitted under section 8(a) a separate section that contains a report on the efforts of the Bank to—

"(i) improve its working relationships with the African Development Bank, the African Export-Import Bank, and other institutions in the region that are relevant to the purposes of subparagraph (A) of this paragraph; and

"(ii) coordinate closely with the United States Foreign Service and Foreign Commercial Service, and with the overall strategy of the United States Government for economic engagement with Africa pursuant to the African Growth and Opportunity Act."

(c) **INCREASING THE NUMBER OF QUALIFIED AFRICAN ENTITIES.**—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)), as amended by subsection (b), is amended by adding at the end the following:

"(D) Consistent with the requirement that the Bank obtain a reasonable assurance of repayment in connection with each transaction the Bank supports, the Bank shall, in consultation with the entities described in subparagraph (C), seek to qualify a greater number of appropriate African entities for participation in programs of the Bank."

## SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking "2001" and inserting "2011".

## SEC. 5. DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended by adding at the end the following new paragraph:

"(5) **DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.**—Not later than 120 days after the date of the enactment of this Act, the Bank shall submit a list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which designates sensitive commercial sectors and products with respect to which the provision of financing support by the Bank is deemed unlikely by the President of the Bank due to the significant potential for a determination that such financing support would result in an adverse economic impact on the United States. The President of the Bank shall review on an annual

basis thereafter the list of sensitive commercial sectors and products and the Bank shall submit an updated list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such sectors and products."

## SEC. 6. INCREASING EXPORTS BY SMALL BUSINESS.

(a) **IN GENERAL.**—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

"(f) **SMALL BUSINESS DIVISION.**—

"(1) **ESTABLISHMENT.**—There is established a Small Business Division (in this subsection referred to as the 'Division') within the Bank in order to—

"(A) carry out the provisions of subparagraphs (E) and (I) of section 2(b)(1) relating to outreach, feedback, product improvement, and transaction advocacy for small business concerns (as defined in section 3(a) of the Small Business Act);

"(B) advise and seek feedback from small business concerns on the opportunities and benefits for small business concerns in the financing products offered by the Bank, with particular emphasis on conducting outreach, enhancing the tailoring of products to small business needs and increasing loans to small business concerns;

"(C) maintain liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns; and

"(D) provide oversight of the development, implementation, and operation of technology improvements to strengthen small business outreach, including the technology improvement required by section 2(b)(1)(E)(x).

"(2) **MANAGEMENT.**—The President of the Bank shall appoint an officer, who shall rank not lower than senior vice president and whose sole executive function shall be to manage the Division. The officer shall—

"(A) have substantial recent experience in financing exports by small business concerns; and

"(B) advise the Board, particularly the director appointed under section 3(c)(8)(B) to represent the interests of small business, on matters of interest to, and concern for, small business.

"(g) **SMALL BUSINESS SPECIALISTS.**—

"(1) **DEDICATED PERSONNEL.**—The President of the Bank shall ensure that each operating division within the Bank has staff that specializes in processing transactions that primarily benefit small business concerns (as defined in section 3(a) of the Small Business Act).

"(2) **RESPONSIBILITIES.**—The small business specialists shall be involved in all aspects of processing applications for loans, guarantees, and insurance to support exports by small business concerns, including the approval or disapproval, or staff recommendations of approval or disapproval, as applicable, of such applications. In carrying out these responsibilities, the small business specialists shall consider the unique business requirements of small businesses and shall develop exporter performance criteria tailored to small business exporters.

"(3) **APPROVAL AUTHORITY.**—In an effort to maximize the speed and efficiency with which the Bank processes transactions primarily benefiting small business concerns, the small business specialists shall be authorized to approve applications for working capital loans and guarantees, and insurance in accordance with policies and procedures established by the Board. It is the sense of Congress that the policies and procedures should not prohibit, where appropriate, small business specialists from approving applications for working capital loans and guarantees, and for insurance, in support of exports which have a value of less than \$10,000,000.

"(4) **IDENTIFICATION.**—The Bank shall prominently identify the small business specialists on its website and in promotional material.

"(5) **EMPLOYEE EVALUATIONS.**—The evaluation of staff designated by the President of the Bank under paragraph (1), including annual reviews of performance of duties related to transactions in support of exports by small business concerns, and any resulting recommendations for salary adjustments, promotions, and other personnel actions, shall address the criteria established pursuant to subsection (h)(2)(B)(iii) and shall be conducted by the manager of the relevant operating division following consultation with the officer appointed to manage the Small Business Division pursuant to subsection (f)(2).

"(6) **STAFF RECOMMENDATIONS.**—Staff recommendations of denial or withdrawal for medium-term applications, exporter held multi-buyer policies, single buyer policies, and working capital applications processed by the Bank shall be transmitted to the officer appointed to manage the Small Business Division pursuant to subsection (f)(2) not later than 2 business days before a final decision.

"(7) **RULE OF INTERPRETATION.**—Nothing in this Act shall be construed to prevent the delegation to the Division of any authority necessary to carry out subparagraphs (E) and (I) of section 2(b)(1).

"(h) **SMALL BUSINESS COMMITTEE.**—

"(1) **ESTABLISHMENT.**—There is established a management committee to be known as the 'Small Business Committee'.

"(2) **PURPOSE AND DUTIES.**—

"(A) **PURPOSE.**—The purpose of the Small Business Committee shall be to coordinate the Bank's initiatives and policies with respect to small business concerns (as defined in section 3(a) of the Small Business Act), including the timely processing and underwriting of transactions involving direct exports by small business concerns, and the development and coordination of efforts to implement new or enhanced Bank products and services pertaining to small business concerns.

"(B) **DUTIES.**—The duties of the Small Business Committee shall be determined by the President of the Bank and shall include the following:

"(i) Assisting in the development of the Bank's small business strategic plans, including the Bank's plans for carrying out section 2(b)(1)(E) (v) and (x), and measuring and reporting in writing to the President of the Bank, at least once a year, on the Bank's progress in achieving the goals set forth in the plans.

"(ii) Evaluating and reporting in writing to the President of the Bank, at least once a year, with respect to—

"(I) the performance of each operating division of the Bank in serving small business concerns;

"(II) the impact of processing and underwriting standards on transactions involving direct exports by small business concerns; and

"(III) the adequacy of the staffing and resources of the Small Business Division.

"(iii) Establishing criteria for evaluating the performance of staff designated by the President of the Bank under subsection (g)(1).

"(iv) Coordinating the provision of services with other United States Government departments and agencies to small business concerns.

"(3) **COMPOSITION.**—

"(A) **CHAIRPERSON.**—The Chairperson of the Small Business Committee shall be the officer appointed to manage the Small Business Division pursuant to subsection (f)(2). The Chairperson shall have the authority to call meetings of the Small Business Committee, set the agenda for Committee meetings, and request policy recommendations from the Committee's members.

"(B) **OTHER MEMBERS.**—Except as otherwise provided in this subsection, the President of the Bank shall determine the composition of the Small Business Committee, and shall appoint or remove the members of the Small Business Committee. In making such appointments, the President of the Bank shall ensure that the Small Business Committee is comprised of—

“(i) the senior managing officers responsible for underwriting and processing transactions; and

“(ii) other officers and employees of the Bank with responsibility for outreach to small business concerns and underwriting and processing transactions that involve small business concerns.

“(4) REPORTING.—The Chairperson shall provide to the President of the Bank minutes of each meeting of the Small Business Committee, including any recommendations by the Committee or its individual members.”.

(b) ENHANCE DELEGATED LOAN AUTHORITY FOR MEDIUM TERM TRANSACTIONS.—

(1) IN GENERAL.—The Export-Import Bank of the United States shall seek to expand the exercise of authority under section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)) with respect to medium term transactions for small business concerns.

(2) CONFORMING AMENDMENT.—Section 2(b)(1)(E)(vii)(III) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)(III)) is amended by inserting “or other financing institutions or entities” after “consortia”.

(3) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall make available lines of credit and guarantees to carry out section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 pursuant to policies and procedures established by the Board of Directors of the Export-Import Bank of the United States.

#### SEC. 7. ANTI-CIRCUMVENTION.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by section 5 of this Act, is amended—

(1) by inserting after paragraph (1), the following flush paragraph:

“In making the determination under subparagraph (B), the Bank shall determine whether the facility that would benefit from the extension of a credit or guarantee is reasonably likely to produce a commodity in addition to, or other than, the commodity specified in the application and whether the production of the additional commodity may cause substantial injury to United States producers of the same, or a similar or competing, commodity.”;

(2) in paragraph (2), by adding at the end the following:

“(E) ANTI-CIRCUMVENTION.—The Bank shall not provide a loan or guarantee if the Bank determines that providing the loan or guarantee will facilitate circumvention of an order or determination referred to in subparagraph (A).”; and

(3) by adding at the end the following:

“(6) FINANCIAL THRESHOLD DETERMINATIONS.—For purposes of determining whether a proposed transaction exceeds a financial threshold under this subsection or under the procedures or rules of the Bank, the Bank shall aggregate the dollar amount of the proposed transaction and the dollar amounts of all loans and guarantees, approved by the Bank in the preceding 24-month period, that involved the same foreign entity and substantially the same product to be produced.”.

#### SEC. 8. TRANSPARENCY.

(a) IN GENERAL.—Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by sections 5 and 7 of this Act, is amended by adding at the end the following:

“(7) PROCEDURES TO REDUCE ADVERSE EFFECTS OF LOANS AND GUARANTEES ON INDUSTRIES AND EMPLOYMENT IN UNITED STATES.—

“(A) CONSIDERATION OF ECONOMIC EFFECTS OF PROPOSED TRANSACTIONS.—If, in making a determination under this paragraph with respect to a loan or guarantee, the Bank conducts a detailed economic impact analysis or similar study, the analysis or study, as the case may be, shall include consideration of—

“(i) the factors set forth in subparagraphs (A) and (B) of paragraph (1); and

“(ii) the views of the public and interested parties.

“(B) NOTICE AND COMMENT REQUIREMENTS.—

“(i) IN GENERAL.—If, in making a determination under this subsection with respect to a loan or guarantee, the Bank intends to conduct a detailed economic impact analysis or similar study, the Bank shall publish in the Federal Register a notice of the intent, and provide a period of not less than 14 days (which, on request by any affected party, shall be extended to a period of not more than 30 days) for the submission to the Bank of comments on the economic effects of the provision of the loan or guarantee, including comments on the factors set forth in subparagraphs (A) and (B) of paragraph (1). In addition, the Bank shall seek comments on the economic effects from the Department of Commerce, the Office of Management and Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

“(ii) CONTENT OF NOTICE.—The notice shall include appropriate, nonproprietary information about—

“(I) the country to which the goods involved in the transaction will be shipped;

“(II) the type of goods being exported;

“(III) the amount of the loan or guarantee involved;

“(IV) the goods that would be produced as a result of the provision of the loan or guarantee;

“(V) the amount of increased production that will result from the transaction;

“(VI) the potential sales market for the resulting goods; and

“(VII) the value of the transaction.

“(iii) PROCEDURE REGARDING MATERIALLY CHANGED APPLICATIONS.—

“(I) IN GENERAL.—If a material change is made to an application for a loan or guarantee from the Bank after a notice with respect to the intent described in clause (i) is published under this subparagraph, the Bank shall publish in the Federal Register a revised notice of the intent, and shall provide for a comment period, as provided in clauses (i) and (ii).

“(II) MATERIAL CHANGE DEFINED.—As used in subclause (I), the term ‘material change’, with respect to an application, includes—

“(aa) a change of at least 25 percent in the amount of a loan or guarantee requested in the application; and

“(bb) a change in the principal product to be produced as a result of any transaction that would be facilitated by the provision of the loan or guarantee.

“(C) REQUIREMENT TO ADDRESS VIEWS OF ADVERSELY AFFECTED PERSONS.—Before taking final action on an application for a loan or guarantee to which this section applies, the staff of the Bank shall provide in writing to the Board of Directors the views of any person who submitted comments pursuant to subparagraph (B).

“(D) PUBLICATION OF CONCLUSIONS.—Within 30 days after a party affected by a final decision of the Board of Directors with respect to a loan or guarantee makes a written request therefor, the Bank shall provide to the affected party a non-confidential summary of the facts found and conclusions reached in any detailed economic impact analysis or similar study conducted pursuant to subparagraph (B) with respect to the loan or guarantee, that were submitted to the Board of Directors.

“(E) RULE OF INTERPRETATION.—This paragraph shall not be construed to make subchapter II of chapter 5 of title 5, United States Code, applicable to the Bank.

“(F) REGULATIONS.—The Bank shall implement such regulations and procedures as may be appropriate to carry out this paragraph.”.

(b) CONFORMING AMENDMENT.—Section 2(e)(2)(C) of such Act (12 U.S.C. 635(e)(2)(C)) is amended by inserting “of not less than 14 days (which, on request of any affected party, shall

be extended to a period of not more than 30 days)” after “comment period”.

#### SEC. 9. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Subparagraph (E) of section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended to read as follows:

“(E) during fiscal year 2006, and each fiscal year thereafter through fiscal year 2011,”.

#### SEC. 10. TIED AID CREDIT PROGRAM.

(a) IN GENERAL.—Section 10(b)(5)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(b)(5)(B)(ii)) is amended to read as follows:

“(ii) PROCESS.—In handling individual applications involving the use or potential use of the Tied Aid Credit Fund the following process shall exclusively apply pursuant to subparagraph (A):

“(I) The Bank shall process an application for tied aid in accordance with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

“(II) Twenty days prior to the scheduled meeting of the Board of Directors at which an application will be considered (unless the Bank determines that an earlier discussion is appropriate based on the facts of a particular financing), the Bank shall brief the Secretary on the application and deliver to the Secretary such documents, information, or data as may reasonably be necessary to permit the Secretary to review the application to determine if the application complies with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

“(III) The Secretary may request a single postponement of the consideration by the Board of Directors of the application for up to 14 days to allow the Secretary to submit to the Board of Directors a memorandum objecting to the application.

“(IV) Case-by-case decisions on whether to approve the use of the Tied Aid Credit Fund shall be made by the Board of Directors, except that the approval of the Board of Directors (or a commitment letter based on that approval) shall not become final (except as provided in subclause (V)), if the Secretary indicates to the President of the Bank in writing the Secretary's intention to appeal the decision of the Board of Directors to the President of the United States and makes the appeal in writing not later than 20 days after the meeting at which the Board of Directors considered the application.

“(V) The Bank shall not grant final approval of an application for any tied aid credit (or a commitment letter based on that approval) if the President of the United States, after consulting with the President of the Bank and the Secretary, determines within 30 days of an appeal by the Secretary under subclause (IV) that the extension of the tied aid credit would materially impede achieving the purposes described in subsection (a)(6). If no such Presidential determination is made during the 30-day period, the approval by the Bank of the application (or related commitment letter) that was the subject of such appeal shall become final.”.

(b) CLARIFICATION OF USE OF TIED AID CREDIT FUND TO MATCH.—Section 10 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3) is amended—

(1) in subsection (a), in paragraph (6)—

(A) in the matter preceding subparagraph (A), by inserting “, including those that are not a party to the Arrangement,” after “countries”;

(B) in subparagraph (B), by adding “and” at the end; and

(C) by inserting after subparagraph (B) the following:

“(C) promoting compliance with Arrangement rules among foreign export credit agencies that are not a party to the Arrangement;”; and

(2) in subsection (b), in paragraph (5)(B)—

(A) in clause (i)—

(i) in subclause (I), by striking “and” and by inserting “, and to seek compliance by those

countries that are not a party to the Arrangement" before the period; and

(ii) in subclause (III), by adding at the end the following: "In cases where information about a specific offer of foreign tied aid (or untied aid used to promote exports as if it were tied aid) is not available in a timely manner, or is unavailable because the foreign export credit agency involved is not subject to the reporting requirements under the Arrangement, then the Bank may decide to use the Tied Aid Credit Fund based on credible evidence of a history of such offers under similar circumstances or other forms of credible evidence.".

**SEC. 11. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.**

Section 2(b) of the Export-Import Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following new paragraph:

"(13) PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.—The Bank shall not guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of any good or service relating to the development or promotion of any railway connection or railway-related connection that does not traverse or connect with Armenia and does traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey."

**SEC. 12. PROCESS FOR NOTIFYING APPLICANTS OF APPLICATION STATUS; IMPLEMENTATION OF EX-IM ONLINE.**

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

"(g) PROCESS FOR NOTIFYING APPLICANTS OF APPLICATION STATUS.—The Bank shall establish and adhere to a clearly defined process for—

"(1) acknowledging receipt of applications;

"(2) informing applicants that their applications are complete or, if incomplete or containing a minor defect, of the additional material or changes that, if supplied or made, would make the application eligible for consideration; and

"(3) keeping applicants informed of the status of their applications, including a clear and timely notification of approval or disapproval, and, in the case of disapproval, the reason for disapproval, as appropriate.

"(h) RESPONSE TO APPLICATION FOR FINANCING; IMPLEMENTATION OF ONLINE LOAN REQUEST AND TRACKING PROCESS.—

"(1) RESPONSE TO APPLICATIONS.—Within 5 days after the Bank receives an application for financing, the Bank shall notify the applicant that the application has been received, and shall include in the notice—

"(A) a request for such additional information as may be necessary to make the application complete;

"(B) the name of a Bank employee who may be contacted with questions relating to the application; and

"(C) a unique identification number which may be used to review the status of the application at a website established by the Bank.

"(2) WEBSITE.—Not later than September 1, 2007, the Bank shall exercise the authority granted by subparagraphs (E)(x) and (J) of subsection (b)(1) to establish, and thereafter to maintain, a website through which—

"(A) Bank products may be applied for; and

"(B) information may be obtained with respect to—

"(i) the status of any such application;

"(ii) the Small Business Division of the Bank; and

"(iii) incentives, preferences, targets, and goals relating to small business concerns (as defined in Section 3(a) of the Small Business Act), including small business concerns exporting to Africa."

**SEC. 13. COMPETITIVENESS INITIATIVES.**

(a) EXPANSION OF SCOPE OF ANNUAL COMPETITIVENESS REPORT.—The Export-Import Bank

Act of 1945 (12 U.S.C. 635 et seq.) is amended by inserting after section 8 the following:

**"SEC. 8A. ANNUAL COMPETITIVENESS REPORT.**

"(a) IN GENERAL.—Not later than June 30 of each year, the Bank shall submit to the appropriate congressional committees a report that includes the following:

"(1) ACTIONS OF BANK IN PROVIDING FINANCING ON A COMPETITIVE BASIS, AND TO MINIMIZE COMPETITION IN GOVERNMENT-SUPPORTED EXPORT FINANCING.—A description of the actions of the Bank in complying with the second and third sentences of section 2(b)(1)(A). In this part of the report, the Bank shall include a survey of all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters (including through use of market windows (as defined pursuant to section 10(h)(7))) and, to the extent such information is available to the Bank, indicate in specific terms the ways in which the Bank's rates, terms, and other conditions compare with those offered from such other governments directly or indirectly. With respect to the preceding sentence, the Bank shall use all available information to estimate the annual amount of export financing available from each such government and government-related agency. In this part of the report, the Bank shall include a survey of a representative number of United States exporters and United States commercial lending institutions which provide export credit on the experience of the exporters and institutions in meeting financial competition from other countries whose exporters compete with United States exporters.

"(2) ROLE OF BANK IN IMPLEMENTING STRATEGIC PLAN PREPARED BY THE TRADE PROMOTION COORDINATING COMMITTEE.—A description of the role of the Bank in implementing the strategic plan prepared by the Trade Promotion Coordinating Committee in accordance with section 2312 of the Export Enhancement Act of 1988.

"(3) TIED AID CREDIT PROGRAM AND FUND.—The report required by section 10(g).

"(4) PURPOSE OF ALL BANK TRANSACTIONS.—A description of all Bank transactions which shall be classified according to their principal purpose, such as to correct a market failure or to provide matching support.

"(5) EFFORTS OF BANK TO PROMOTE EXPORT OF GOODS AND SERVICES RELATED TO RENEWABLE ENERGY SOURCES.—A description of the activities of the Bank with respect to financing renewable energy projects undertaken under section 2(b)(1)(K), and an analysis comparing the level of credit extended by the Bank for renewable energy projects with the level of credit so extended for the preceding fiscal year.

"(6) SIZE OF BANK PROGRAM ACCOUNT.—A separate section which—

"(A) compares, to the extent practicable, the size of the Bank program account with the size of the program accounts of the other major export-financing facilities referred to in paragraph (1); and

"(B) makes recommendations, if appropriate, with respect to the relative size of the Bank program account, based on factors including whether the size differences are in the best interests of the United States taxpayer.

"(7) CO-FINANCING PROGRAMS OF THE BANK AND OF OTHER EXPORT CREDIT AGENCIES.—A description of the co-financing programs of the Bank and of the other major export-financing facilities referred to in paragraph (1), which includes a list of countries with which the United States has in effect a memorandum of understanding relating to export credit agency co-financing and, if such a memorandum is not in effect with any country with a major export credit-financing facility, an explanation of why such a memorandum is not in effect.

"(8) SERVICES SUPPORTED BY THE BANK AND BY OTHER EXPORT CREDIT AGENCIES.—A separate section which describes the participation of the

Bank in providing funding, guarantees, or insurance for services, which shall include appropriate information on the involvement of the other major export-financing facilities referred to in paragraph (1) in providing such support for services, and an explanation of any differences among the facilities in providing the support.

"(9) EXPORT FINANCE CASES NOT IN COMPLIANCE WITH THE ARRANGEMENT.—Detailed information on cases reported to the Bank of export financing that appear not to comply with the Arrangement (as defined in section 10(h)(3)) or that appear to exploit loopholes in the Arrangement for the purpose of obtaining a commercial competitive advantage. The President of the Bank, in consultation with the Secretary of the Treasury, may provide to the appropriate congressional committees the information required by this subsection in a separate and confidential report, instead of providing such information in the report required by this subsection.

"(10) FOREIGN EXPORT CREDIT AGENCY ACTIVITIES NOT CONSISTENT WITH THE WTO AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—A description of the extent to which the activities of foreign export credit agencies and other entities sponsored by a foreign government, particularly those that are not members of the Arrangement (as defined in section 10(h)(3)), appear not to comply with the Arrangement and appear to be inconsistent with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)), and a description of the actions taken by the United States Government to address the activities. The President of the Bank, in consultation with the Secretary of the Treasury, may provide to the appropriate congressional committees, the information required by this subsection in a separate and confidential report, instead of providing such information in the report required by this subsection.

"(b) INCLUSION OF ADDITIONAL COMMENTS.—The report required by subsection (a) shall include such additional comments as any member of the Board of Directors may submit to the Board for inclusion in the report.

"(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate."

(b) CONFORMING AMENDMENT.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended by striking all that follows the third sentence.

(c) EXPANSION OF COUNTRIES IN COMPETITION WITH WHICH THE BANK IS TO PROVIDE EXPORT FINANCING.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended in the second sentence by inserting "including countries the governments of which are not members of the Arrangement (as defined in section 10(h)(3))" before the period.

(d) SENSE OF CONGRESS REGARDING NEGOTIATION OF THE OECD ARRANGEMENT.—It is the sense of Congress that in the negotiation of the Arrangement (as defined in section 10(h)(3) of the Export-Import Bank Act of 1945) the goals of the United States include the following:

(1) Seeking compliance with the Arrangement among countries with significant export credit programs who are not members of the Arrangement.

(2) Seeking to identify within the World Trade Organization the extent to which countries that are not a party to the Arrangement are not in compliance with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)) with respect to export finance, and seeking appropriate action within the World Trade Organization for each country that is not in such compliance.

(3) Implementing new disciplines on the use of untied aid, market windows, and other forms of



export finance that seek to exploit loopholes in the Arrangement for purposes of obtaining a commercial competitive advantage.

**SEC. 14. OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.**

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as added by section 6, is amended by adding at the end the following:

“(i) OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.—

“(1) ESTABLISHMENT.—The President of the Bank shall establish in the Small Business Division an office whose sole functions shall be to continue and enhance the outreach activities of the Bank with respect to, and increase the total amount of loans, guarantees, and insurance provided by the Bank to support exports by, socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act) and small business concerns owned by women.

“(2) MANAGEMENT.—The office shall be managed by a Bank officer of appropriate rank who shall report to the Bank officer designated under subsection (f)(2).

“(3) STAFFING.—To the maximum extent practicable, the President of the Bank shall ensure that qualified minority and women applicants are considered when filling any position in the office.”.

(b) FINANCING DIRECTED TOWARD SMALL BUSINESSES OWNED BY MINORITIES OR WOMEN.—Section 2(b)(1)(E)(v) of such Act (12 U.S.C. 635b(1)(E)(v)) is amended by adding at the end the following: “From the amount made available under the preceding sentence, it shall be a goal of the Bank to increase the amount made available to finance exports directly by small business concerns referred to in section 3(i)(1).”.

**SEC. 15. GOVERNANCE.**

Section 3(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)) is amended by adding at the end the following:

“(9) At the request of any 2 members of the Board of Directors, the Chairman of the Board shall place an item pertaining to the policies or procedures of the Bank on the agenda for discussion by the Board. Within 30 days after the date such a request is made, the Chairman shall hold a meeting of the Board at which the item shall be discussed.”.

**SEC. 16. SENSE OF CONGRESS REGARDING MULTI-BUYER INSURANCE AND WORKING CAPITAL GUARANTEE PROGRAMS.**

It is the sense of Congress that the Export-Import Bank of the United States should seek to expand the number and size of the regional multi-buyer insurance programs and working capital guarantee programs operated by, through, or in conjunction with the Bank.

**SEC. 17. SENSE OF CONGRESS REGARDING AN OFFICE OF RENEWABLE ENERGY PROMOTION.**

It is the sense of Congress that—

(1) the Export-Import Bank of the United States should establish, within 2 years of the date of the enactment of this Act, an Office of Renewable Energy Promotion staffed by individuals with appropriate expertise in renewable energy technologies to proactively identify new opportunities for renewable energy financing and to carry out section 2(b)(1)(K) of the Export-Import Bank Act of 1945 (12 U.S.C. 635b(1)(K));

(2) in carrying out the purposes of such an Office of Renewable Energy Promotion, the head of such Office should consider the recommendations of the Renewable Energy Exports Advisory Committee of the Bank to promote renewable energy technologies; and

(3) the Bank should include in its annual report a description of the activities carried out by

such an Office of Renewable Energy Promotion, including for each year a description of the amount of credit extended by the Bank for renewable energy technologies during that year and a comparison between that amount and the amount of such credit extended by the Bank in previous years.

**SEC. 18. ENVIRONMENTAL MATTERS.**

(a) ENVIRONMENTAL REPRESENTATIVES ON THE ADVISORY COMMITTEE.—Section 3(d) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “15” and inserting “17”; and

(B) in subparagraph (B), by inserting “environment,” before “production,”; and

(2) in paragraph (2), by adding at the end the following:

“(C) Not less than 2 members appointed to the Advisory Committee shall be representative of the environmental nongovernmental organization community, except that no 2 of the members shall be from the same environmental organization.”.

(b) PUBLIC DISCLOSURE OF CERTAIN DOCUMENTS.—Section 11(a)(1) of the Export-Import Bank of 1945 (12 U.S.C. 635i-5(a)(1)) is amended by inserting after the first sentence the following: “Such procedures shall provide for the public disclosure of environmental assessments and supplemental environmental reports required to be submitted to the Bank, including remediation or mitigation plans and procedures, and related monitoring reports. The preceding sentence shall not be interpreted to require the public disclosure of any information described in section 1905 of title 18, United States Code.”.

**SEC. 19. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF BANK PERFORMANCE STANDARDS FOR ASSISTANCE TO SMALL BUSINESSES, ESPECIALLY THOSE OWNED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS AND THOSE OWNED BY WOMEN.**

(a) PERFORMANCE STANDARDS.—The Bank shall develop a set of performance standards for determining the extent to which the Bank has carried out successfully subparagraphs (E) and (I) of section 2(b)(1) of the Export-Import Bank Act of 1945, and the functions described in subsections (f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of such Act.

(b) ASSESSMENT OF STANDARDS.—Within 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall transmit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

(1) an assessment of the performance standards developed by the Bank pursuant to subsection (a); and

(2) using the performance standards developed pursuant to subsection (a), an assessment of the Bank's efforts to carry out subparagraphs (E) and (I) of section 2(b)(1) of the Export-Import Bank Act of 1945, and the functions described in subsections (f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of such Act.

**SEC. 20. REPORTS.**

Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

“(f) ADDITIONAL REPORTS.—Not later than March 31 of each year, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate reports on—

“(1) the extent to which the Bank has been able to use the authority provided, and has complied with the mandates contained, in section 2(b)(1)(E), and to the extent the Bank has been unable to fully use such authority and comply with such mandates, a report on the reasons for the Bank's inability to do so and the steps the Bank is taking to remedy such inability;

“(2) the extent to which financing has been made available to small business concerns (described in subsection (e)) to enable them to participate in exports by major contractors, including through access to the supply chains of the contractors through direct or indirect funding;

“(3) the specific measures the Bank will take in the upcoming year to achieve the small business objectives of the Bank, including expanded outreach, product improvements, and related actions;

“(4) the progress made by the Bank in supporting exports by socially and economically disadvantaged small business concerns (defined in section 8(a)(4) of the Small Business Act) and small business concerns (as defined in section 3(a) of the Small Business Act) owned by women, including estimates of the amounts made available to finance exports directly by such small business concerns, a comparison of these amounts with the amounts made available to all small business concerns, and a comparison of such amounts with the amounts so made available during the 2 preceding years;

“(5) with respect to each type of transaction, the interest and fees charged by the Bank to exporters (including a description of fees and interest, if any, charged to small business concerns), buyers, and other applicants in connection with each financing program of the Bank, and the highest, lowest, and average fees charged by the Bank for short term insurance transactions;

“(6) the effects of the fees on the ability of the Bank to achieve the objectives of the Bank relating to small business;

“(7) the fee structure of the Bank as compared with those of foreign export credit agencies; and

“(8)(A) the efforts made by the Bank to carry out subparagraphs (E)(x) and (J) of section 2(b)(1) of the Export-Import Bank Act of 1945, including the total amount expended by the Bank to do so; and

“(B) if the Bank has been unable to comply with such subparagraphs—

“(i) an analysis of the reasons therefor; and

“(ii) what the Bank is doing to achieve, and the date by which the Bank expects to have achieved, such compliance.”.

**SEC. 21. STUDY OF HOW EXPORT-IMPORT BANK COULD ASSIST UNITED STATES EXPORTERS TO MEET IMPORT NEEDS OF NEW OR IMPOVERISHED DEMOCRACIES; REPORT.**

(a) STUDY.—The Export-Import Bank of the United States shall conduct a study designed to assess the needs of new or impoverished democracies, such as Liberia and Haiti, for imports from the United States, and shall determine what role the Bank can play in helping United States exporters seize the opportunities presented by the need for such imports.

(b) REPORT TO CONGRESS.—Within 12 months after the date of the enactment of this Act, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, in writing, a final report that contains the results of the study required by subsection (a).

Mr. FRIST. I ask unanimous consent the Senate concur in the House amendment, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### EXECUTIVE SESSION

#### NOMINATION OF KENT A. JORDAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

Mr. FRIST. I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 924.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

The legislative clerk read the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit.

#### CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Southern District of Iowa.

Bill Frist, Robert Bennett, Arlen Specter, Tom Coburn, Kit Bond, George Allen, Lindsey Graham, Trent Lott, Mel Martinez, Gordon Smith, Sam Brownback, Rick Santorum, Richard Burr, Hillary Clinton, Johnny Isakson, Jim DeMint.

Mr. FRIST. I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, this circuit court nomination was reported unanimously out of the Judiciary Committee. I do not believe there is any controversy with this nomination. I hope we could vitiate this cloture motion and proceed to an up-or-down vote during tomorrow's session. In the meantime, I have filed cloture to ensure a vote this week on this circuit court nominee.

### LEGISLATIVE SESSION

Mr. FRIST. I now ask that we resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR THURSDAY, DECEMBER 7, 2006

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, December 7. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the

time for the two leaders be reserved, and the Senate resume executive session for the consideration of the nomination of Andrew von Eschenbach; I further ask consent that there be 60 minutes equally divided for debate prior to the cloture vote, with the time equally divided as follows: Chairman ENZI or his designee, 30 minutes; Senator GRASSLEY, 30 minutes; Senator VITTER, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. FRIST. Mr. President, the Senate overwhelmingly confirmed Robert Gates as Secretary of Defense today. I thank Chairman WARNER, once again, and Senator LEVIN for their tremendous work in expediting this nomination through the committee.

Tomorrow, the Senate will have a cloture vote on the nomination of the FDA Commissioner. I previously pointed out how important it is that we have a confirmed Commissioner there and thus I did file cloture to ensure that we did have before the end of this year. Senators can expect that vote somewhere around 10:30 to 10:45 tomorrow morning. If cloture is invoked, which I expect it to be, it is my hope that we will be able to get an agreement on scheduling a vote on confirmation at a reasonable hour.

We have several outstanding legislative and executive items to complete before we close out this Congress, so Senators should be prepared to be here until we get our work done.

### ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, following the remarks of Senator DEWINE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

### HONORING OUR ARMED FORCES

#### SERGEANT JEREMY E. MURRAY

Mr. DEWINE. Mr. President, I rise today to honor the Marine SGT Jeremy E. Murray, from Atwater, OH. On November 16, 2005, Sergeant Murray was killed when a roadside bomb hit his military vehicle in Iraq. He is survived by his wife Megan and his young son, Ian. Twenty-eight-year-old Sergeant Murray was also the devoted son of Harold and Pam Murray, and the brother of Lisa Murray.

Jeremy lived a life that was a model of commitment and bravery. At the time of his death, Jeremy was serving his third tour of duty in Iraq. But before leaving, this is what he told his father Harold:

If I don't come home, Dad, you know I died proudly. I died for what I wanted to do. This is my lifetime dream.

Serving his Nation in the military was, indeed, the childhood dream of SGT Jeremy Murray—something that had been ingrained in him at a young age through a love of the outdoors. Born on February 5, 1978, Jeremy was only 2 years old when his father started taking him into the woods. From there, he never once looked back.

Jeremy's strong appreciation for and love of the outdoors translated into a childhood obsession with all things Daniel Boone—who Jeremy believed was the greatest hunter of all time. Indeed, Jeremy wanted to be Daniel Boone.

His parents made him a Daniel Boone hunting outfit, complete with a raccoon skin cap and a rabbit pelt vest. A family friend contributed by making Jeremy a metal Bowie knife. And, his dad even made a replica flintlock for him.

Jeremy loved his Daniel Boone outfit. But, when he outgrew it, he found another uniform waiting for him—military fatigues. And according to his father, Jeremy “never was out of those. Never.”

Jeremy's mother remembers that her son grew up talking constantly about joining the military. He joined the Army after graduating from Waterloo High School in 1996. After his enlistment ended, Jeremy came home and worked for awhile. But, only a few months later, he joined the Marines. It was simply the career Jeremy was meant to have. According to his father, Jeremy “wasn't happy with anything but the military.”

Jeremy's mother agrees. “He really joined [the military] at birth,” she said. Pam also remembers how ready her son was for the military. She tells the following story:

[Jeremy] was so prepared for military service that when he entered boot camp, he broke down a rifle faster than his drill sergeant. The drill sergeant didn't like that!

Jeremy made the military his career, and he gave it his all. He was serving his third tour of duty in Iraq when he died. SGT John McLemore was a friend of Jeremy's who served with him in Iraq. This is what John had to say about Jeremy's service overseas:

He was an uncompromising legend. We live in a world today where people compromise for their own comfort and give in just to accommodate other people. My friend Jeremy didn't do that. When we were in Iraq, he was by far the most competent leader for our section. He didn't hesitate to take the lead, and he definitely went out there and put himself directly in the line of fire on every patrol. . . . He knew what he had to do, and he got out there and did it. That's what makes him a legend. He'll be remembered forever.

Indeed, Jeremy served his country with heroic bravery. His leadership has earned him more awards than I could name here, but they include the Purple Heart, a Navy and Marine Corps Achievement Medal with a Gold Star for heroic achievement.

But Jeremy was much more than a dedicated marine. He was also a devoted husband, father, son, and brother, who loved his family deeply. His 10-



year-old niece Torey showed her love by writing Jeremy the following in a letter, "I know he's a hero in my heart. I will always miss you." And his sister Lisa wrote: Jeremy was my hero all my life. I looked up to him my whole life and miss him greatly every day.

Jeremy's wife Megan was simply his soul mate. And his mother remembers that Jeremy's son Ian could always make him laugh. Perhaps Jeremy's love for his wife and son is best captured in a picture that was displayed at his funeral. In it, he could not stop gazing at Ian, who was then a newborn, and his wife Megan—not even to look at the camera. You can just see the deep devotion he felt for them.

Jeremy's funeral was held at his old high school on a Monday when it was already closed for the first day of hunting season—fitting, considering Jeremy's great love for the outdoors. Along with her class, his niece Torey decorated the cafeteria and auditorium with colored flags and yellow ribbons. On that day, Jeremy's dad took time to watch the tree line of the woods he had once scouted with Jeremy. He said:

I told my wife if any deer came up, I would pull up a chair beside him and watch it. Jeremy would have liked that.

Jeremy's dad presided over his son's funeral. In his eulogy, he remembered both Jeremy's strong faith and his love of the outdoors. He said:

I know right now, as he's standing at the right hand of God, he's looking down on his grandfather and me because today is the first day of hunting season, and we're not out. He's gonna give me heck for that next time I see him.

Jeremy was a young husband and father with a bright future ahead of him. He was a shining example of not only a marine but also of a human being. He will always be remembered.

My wife Fran and I continue to keep the family of SGT Jeremy Murray in our thoughts and prayers.

SERGEANT JEREMY M. HODGE

Mr. President, I rise today to pay tribute to a fallen hero. Army SGT Jeremy Michael Hodge from Rushsylvania, OH. On October 5, 2005, Sergeant Hodge died in Iraq in a suicide bomber attack. He was just 20 years old.

As a member of the National Guard, Jeremy was an unselfish, hardworking leader, whose life exemplified the values of honor and duty. On dangerous missions, he was always the one wanting to take the lead. Growing up in Rushsylvania—a small Ohio village of 530 residents—Jeremy became known as a young man who would drop whatever he was doing to help with community tasks, like setting up for events at the school gym.

A sports enthusiast, he became a member of the baseball, football, and track-and-field teams at Ridgemont High School. A well-rounded student with many talents, he was also a member of the school choir and performed in musicals.

Principal Chad Cunningham remembers that Jeremy was the type of per-

son who was always offering to help his fellow students and the school faculty. This is what he said about him:

Jeremy's positive outlook was evident in all he did. If Jeremy was sitting on the bench, he wasn't pouting. He was cheering on his teammates and helping encourage them.

Jeremy graduated from high school in 2003, and soon after the National Guard. By joining the military, he was following in family footsteps. His father, Mike, was an Air Force veteran, and Jeremy had been born on an Air Force Base in Japan.

In Iraq, Jeremy's mission was to patrol the streets of Baghdad to find and destroy roadside bombs. According to military officials, the lives of three servicemen are saved by every bomb rendered useless. Command Sergeant Major Paul Trickett served with Jeremy in Iraq. He said that "by my count, Jeremy saved the lives of 225 other soldiers. He put himself in the line of danger to save others. To me, that's a hero."

At Jeremy's funeral, Sergeant Major Trickett also spoke proudly of serving with Jeremy, and of the young soldier's bravery:

He volunteered to lead. He wanted to lead—he wanted to be out front. Without hesitation, he took on the challenge to protect his brothers in arms.

Jeremy's service to our Nation did not go unnoticed. A Specialist at the time of his death, the Army honored him with a posthumous promotion to Sergeant. Jeremy's bravery also earned him the Purple Heart, the Bronze Star, and the Ohio Distinguished Service Medal.

"He was a fighter, all right," Jeremy's father said. "Whatever he did, he did full bore—non-stop since almost the day he was born."

Jeremy was a young man with a bright future before him. He had hoped to go to college and play football again after serving in Iraq. He also had dreams of one day becoming a NASCAR driver.

Scott Gillfillan was Jeremy's high school baseball coach, and his son Vince grew up alongside Jeremy. Scott remembers that Jeremy was a "well-liked kid who didn't have a bad bone in his body. He had the biggest heart you'd want to know."

Living only 7 miles apart, Jeremy and Vince played sports together and grew as close as brothers. Scott coached them both in baseball and remembers that they never came straight home after practice. He said, "They'd stay over at the field, going at it over and over until they got it right. That's what Jeremy was about."

Vince graduated from high school and enlisted in the Army just one year before Jeremy did. And on the day Jeremy died, Vince was only one vehicle behind him in the convoy. As Scott said:

There they were, together, in the same unit, in the same convoy. Now, we're just trying to work through this together. They were practically brothers. How do you get

over something like that? I don't think you ever do.

Vince spoke the following words at Jeremy's funeral:

Jeremy would say how cool it would be to grow up together, to go to school together, join the Army, serve in Iraq together, and then come back home together. What we need to do right now is help each other because I'm sure Jeremy is in Heaven right now probably racing Dale Earnhardt.

Jeremy Hodge was a true patriot. Always willing to be on the front lines, he displayed courage and tenacity. He was also loved and deeply respected by all who knew him. More than 400 hundred family members, friends, and soldiers attended his memorial service at Rushsylvania Church of Christ. After the funeral, more than 100 vehicles led by a camouflage humvee proceeded through the village to the Rushsylvania Cemetery.

Three vehicles from the front, Jeremy's father drove his son's 1999 Dodge Ram 1500 four-wheel drive pickup truck. It was adorned with both a U.S. flag and a flag for NASCAR driver Mark Martin.

Jeremy will always be remembered as an all-American boy who loved four-wheeling, motorcycles, hunting and fishing, watching NASCAR and rooting for Mark Martin. He dearly loved his family and made his parents, family, and community very proud. He had a big heart was tremendously dedicated to his family, friends, and country.

My wife Fran and I will continue to keep Jeremy's father Mike; his mother and step-father Michelle and Steve Norris, and his sisters Alyssa, Nicole, and Denise in our thoughts and in our prayers.

PRIVATE FIRST CLASS ADAM JOHNSON

Mr. President, I rise today to pay tribute to a fallen soldier—Army PFC Adam Robert Johnson. Private First Class Johnson, from Clayton, OH, died on October 31, 2005, when a roadside bomb detonated near his military vehicle in Iraq. Three other members of his unit—the 101st Airborne—also lost their lives that day. Private First Class Johnson was 22 years old and had been in Iraq for just 5 weeks.

A.J.—as he was known to family and friends—was an outgoing and optimistic young man, who always had a smile on his face. His positive attitude and love for others will be missed by all who knew him.

Growing up, A.J. loved nothing more than playing soccer. It was his passion. He became a star player for Northmont High School's varsity team. As a senior, his hard work and dedication earned him the starting goalkeeper position. He had an extraordinarily successful season. Not only was he selected as the Goalie of the Year for the Greater Miami Valley Conference, but he was also selected as the overall Player of the Year. A.J. was also honored as a student-athlete when he was selected as a first-team pick on the Miami Valley Scholastic Soccer Coaches Association All-Dayton North Team.

A.J. enjoyed sharing his passion for soccer with others. After graduating from Northmont in 2001, he volunteered as an assistant coach for the next two years, helping the players who came after him become better athletes and team members.

A.J. is deeply missed by those who knew him through soccer. Mark Spirk, Northmont's head coach, watched A.J. grow up playing soccer. He remembers how much A.J. enjoyed working with others. "He had helped out every year at our Northmont soccer camp, working with the younger kids," he recalls. "He worked hard at that just like he had as a player."

When A.J. joined the Army, he brought with him that same dedication and work ethic that had made him a star soccer player. Joining the Army was something he had always dreamed of doing. He enlisted without telling his parents. Afterward, he told his father Randy Johnson that this was what he had always wanted to do. "He didn't want me to talk him out of it," Randy said. "He said it was something he always wanted to do." Randy said he was proud of his son, who was always smiling and showing a positive attitude.

A.J.'s mother Fran recalls that "we all supported Adam's decision, even though, especially for me, it was very, very hard to do. I am proud of the man he became."

After joining the Army, A.J. was stationed at Fort Campbell in Kentucky. He was deployed to Iraq in September 2005. He carried his positive spirit with him into the Army. According to a sergeant who was his team leader in Iraq, A.J. fit right in "with his easygoing personality, sense of humor, and never-quit attitude."

The members of A.J.'s community have rallied around his family. Five hundred mourners attended his funeral at the Salem Church of God, and the procession from the church to the cemetery stretched a mile long. Along the way, an elementary school class and its teacher stood quietly to pay their silent respect, and cars pulled over. Some motorists got out and covered their hearts.

Army BG John R. Bartley spoke at A.J.'s funeral, saying that the young soldier was an American hero who understood the meaning of duty, honor, and country. "All of us in uniform share your sorrow," he said. "We, too, are grieving."

Displayed at A.J.'s funeral, in a wooden box before his flag-draped coffin, were the ribbons and medals he had earned. They included a Combat Infantry Badge, a Bronze Star, and a Purple Heart.

Indeed, A.J. is missed by his entire community. Abbie Harrison, who—along with her parents, Doug and Theresa, and her sister Natalie—were like a "second family" to A.J. Abbie wrote the following in his memory on an Internet tribute Web site:

A.J. was my best friend. We shared so many happy memories. I miss him so much,

and I know we will all see him again. He brought out the best in everyone, and he loved with all his heart. I wish I could be at least half the person he was. I will never forget him, and he will always be in my heart.

A.J.'s high school observed a school-wide moment of silence to honor his memory. Robin Spiller, the district's athletic director and an assistant principal at the high school, had A.J.'s name added to a memorial outside the high school stadium. It is a memorial honoring all of the community's fallen servicemembers from past wars. "It's impacted us all," she said.

I would like to conclude my remarks with the words of A.J.'s former roommate, Bryan, from Englewood, OH. This is what he said:

Adam—we all miss you dearly. You're the truest American Hero. Thank you and all the soldiers who have paid "the ultimate price" for our freedom. You will live forever in the hearts and minds of all of your friends. We all have lots of great stories to tell to remember you by . . . and we will never forget.

Indeed, we will never forget Army PFC Adam Johnson. He was a good soldier and a young man who exemplified a great spirit of caring and sacrifice.

My wife Fran and I keep his parents Randy and Fran, his brothers Matthew, Brad, and Ryan, and his grandparents Robert and Lois Marcus in our thoughts and prayers.

LANCER CORPORAL JOSEPH NICE

Mr. President, I rise today to honor a young man who lost his life in service of our Nation. LCpl Joseph Nice, from Newark, OH, was killed by enemy fire during Operation Iraqi Freedom. He was serving in the 3rd Battalion, 7th Marines, 1st Division, Expeditionary Force, Marines Air Corps Ground Combat division at Twenty-nine Palms, CA. He was 19 years old.

In the pursuit of his dream and in the footsteps of his relatives, Joseph Nice carved out a path for himself while serving the country he loved. Left to cherish his memory are his father Lloyd Nice III, his mother Marilyn Nice, his five sisters, his two brothers, his grandparents, and his aunts and uncles.

Today, we remember Joseph Nice—who was known as "Joey" to his family and friends. Joey was born in Newark on April 6, 1985. As a young boy, he was interested in football, soccer, baseball, cars, and the military. As a young boy, Joey loved to ask his grandfather about his own service in the Marines. From a very early age, Joey was interested in serving his country.

In 1998, Joey and his five siblings moved to Oklahoma for a time. There, Joey attended Choctaw High School, where he was well liked and involved in many activities. He was a straight-A student, worked in the school library, played saxophone in the band, and taught himself the drums. He played on the soccer team and loved to draw landscapes.

Joey was also known as a great friend. Teammate and fellow band member Cody Largent had this to say

about Joey: "If you had a problem, he was always there for you. He was very brave, and I'm proud that he was my best friend." Joey used to tell Cody that he wanted to be a lawyer so that he could help his friends get out of trouble in the future.

Joey was very close to his grandmother Mary. One of her favorite memories of Joey is how she would joke with her grandson about how much time he spent in the bathroom, making sure he looked "just so." She remembers his polite and easy-going nature—and his cooking talents.

When Joey decided to enlist after high school, it did not surprise anyone. After all, he had made his intentions known since he was a little boy. High school classmates recall that while watching coverage of Operation Iraqi Freedom at school, Joey would tell them that he couldn't wait to fight for his country.

Joey loved being a marine—something his grandmother quickly noticed: "The Marines were his life," she said. "If you didn't know any better, you'd think he'd been in the Marines for 30 or 40 years. That's how devoted he was."

Joey was, indeed, a devoted marine, and he did not shy away from serving in Iraq. His Aunt Susan remembers a phone conversation she had with her nephew before he left. Joey told her:

I know it's not easy. I know I might not make it back. But, I want to do this for you, our family, and our country.

Joey wanted to make his family proud—and he did. His grandmother described the feeling she got whenever she saw her grandson—it made her chest swell "200 miles."

Joey was stationed near Baghdad, and although he was on the other side of the world, he made sure to keep in touch with his family at home. He called his grandfather, Lloyd Nice, Jr., to tell him how happy he was to have qualified for the military law program. Joey also made sure to call his grandmother every few weeks, and the two were making plans for his return home. Joey couldn't wait to buy a car and have a belated birthday celebration.

Tragically, Joey did not celebrate his birthday with his family. He was killed by an enemy sniper on August 4, 2004, in Al Anbar Province, Iraq.

At the memorial service held in his honor, friends and family remembered Joey as a patriot—a man who put his country ahead of himself. They remembered that he was quick to smile and eager to raise the spirits of all those around him. They remembered a young man full of love for his family and for his country. As Reverend Robert Knox said so well at a ceremony for Joey at the American Legion Post 85, "A lot of people say they believe in our Nation. This man proved he did."

LCpl Joseph Nice was an extraordinary marine, but more than that, he was an extraordinary person. Though he is truly missed, I know that Joey will live on in the hearts and minds of all those who had the privilege of knowing him.

My wife Fran and I continue to keep the family of Marine LCpl Joseph Nice in our thoughts and prayers.

MASTER SERGEANT JOSEPH J. ANDRES, JR.

Mr. President, I rise today to pay tribute to Army MSG Joseph J. Andres, Jr., of Seven Hills, OH. On December 24, 2005, Master Sergeant Andres was wounded when his Special Operations Unit came under small arms fire in Iraq. He died later that day. He was 34 years old.

Joe, as he was known by family and friends, was a selfless man, deeply devoted to his family, friends, and community. Joe was always there for someone who needed him, whether it was to talk over the big issues of life or simply to fix a friend's computer.

Joe's generosity was truly exceptional and rare. Once, shortly after buying his first house, he insisted that a comrade's family stay there while closing on their own home. According to Joe, it was they who would be doing him a favor. This is simply the kind of man Joe was—he always wanted to lend a hand to those who needed it.

Joe grew up surrounded by family and friends. He was the only boy in a family with five sisters. He liked being outdoors, fishing with friends and riding his dirt bike through the woods. His father, Joseph, Sr., said that his son was "adventurous," but also responsible. Joe rode dirt bikes, skateboarded, and snowboarded, but he was also on the honor roll, played drums in the symphony orchestra, wrestled, and ran track. He was fun-loving but also hard working.

Tim Vojta had been a friend of Joe's since third grade and ran track with him at Padua Franciscan High School. Tim remembers his friend's strong work ethic. He said that Joe "wasn't the fastest guy on the team, but he was the one who worked hard and was really dedicated." According to Tim, Joe displayed a capacity for commitment and enthusiasm as a child that followed him throughout life.

It was these qualities of commitment and enthusiasm that made Joe such an excellent serviceman. After graduating from high school in 1989, he studied materials engineering at the University of Cincinnati for 2 years before deciding that he had another calling in life. For Joe, that meant serving his country in the Army. According to his father, "Joe decided he didn't want to spend his life behind a desk."

Joe enlisted in the Army Reserve as a combat medic in February 1992. The following April, he volunteered for active duty, eventually serving as a medic and medical noncommissioned officer at Fort Bliss, Texas, and in Germany. When he died, Joe was serving with the U.S. Army Special Operations Command, based in Fort Bragg, NC.

One of the most remarkable things about Joe was his simple bravery. He shrugged off the dangers of his job, often telling strangers that he was a greeter at Wal-Mart. But Joe also knew there was nothing funny about any-

thing he did. According to his family, he knew and appreciated the risks of his job. If the worst should happen, he told them, he wanted to be buried at Arlington National Cemetery, which, indeed, became his final resting place.

Joe's bravery and dedication to the Army have been recognized with numerous awards, including the Bronze Star, a Meritorious Service Medal, and an Army Commendation Medal. He was also posthumously promoted to the rank of master sergeant.

Joe's family was making preparations for his return when he died. His sister Sharon says that he had spoken to their mother just a few days before his death. "She told him she was praying for him," Sharon remembers.

Although it was expected that Joe would return to Iraq, he was scheduled to be home for New Year's Eve 2005. Plans were being made to celebrate in Cleveland's Warehouse District and to attend a Cleveland Browns game the following day. And almost daily, Joe was e-mailing his best friend Chuck Carlin, making plans for what they would do over the holidays.

Tragically, these plans were never realized. The Christmas decorations were already up, but new ones were then added. Six small American flags joined the manger scene, the snowman, and a Merry Christmas sign. And other houses throughout the Seven Hills community displayed flags and red bows honoring Joe's memory.

Joe was a young man who was deeply connected to his church and community. Before his burial at Arlington, a memorial mass was held in his honor at St. Columbkille Roman Catholic Church. An unofficial honor guard of school children lined a street as the procession drove past.

During the ceremony, family and friends fondly recalled Joe's playful side. They remembered that he loved cartoons, fluffy towels, hot tubs, and hot sauce. They remembered that Joe would bring his laundry home when on leave and would call ahead to make sure that his favorite takeout sandwich was waiting for him.

Family and friends also paid tribute to Joe's love for and dedication to his country. "He was the best of the best," declared his sister Pamela. "He really believed in what he did," said his sister Debbi. And sister Maureen added, "Reflect and remember why men like my brother serve this great country with such passion and conviction."

Joe made friends easily—and then kept those friends for his whole life. His Internet tribute pages are filled with messages from those who knew him from as far back as elementary school. All of these messages are incredibly moving. They speak of Joe's bravery, his dedication, and the simple way in which he could make anything fun. There is one message, in particular, that I would like to share today. A childhood friend, Michael Stutz, wrote the following in a message addressed to Joe:

To anyone who would ever hear the half of it, our time together over years long gone sounds like a giant roll call of the idylls of youth: scouting, fishing, swimming, biking, the autumn football games, camping at the lake, our first band, that double-date to the ice cream stand, mopeds, skateboarding, shooting rifles, exploring the woods, riding in the Triumph Spitfire, wandering out among the Erie islands.

But today, what I remember most is one brief moment on our eighth grade field trip to Washington, where you stood next to me at Arlington. We paid our respects and thought of the long glory of the nation and for just a moment everything was quiet. In my heart, I stand by you there again, but you are suddenly a whole lot taller, and I am looking up to you.

I salute you, pal.

Joe Andres was an exceptional soldier and an exceptional human being—someone who knew the importance of both service and generosity. He will never be forgotten.

He is survived by his parents Joseph and Sandra and by his five sisters Deborah, Pamela, Christine, Maureen, and Sharon. My wife Fran and I continue to keep his family and his friends in our thoughts and in our prayers.

SERGEANT LARRY R. KUHN, JR.

Mr. President, this evening, I rise to honor Army SGT Larry R. Kuhns, Jr., from Austintown, OH. On June 13, 2005, Sergeant Kuhns died when his military vehicle came under a grenade attack during combat operations in Iraq. He was 24 years of age at the time.

Born on April 9, 1981, Larry grew up an avid fan of the Cleveland Browns and was a lover of the outdoors. His father Larry, Sr., remembers him as a big, rambunctious boy, who was patriotic and adventurous—the type of person who was always looking for new ways to challenge himself. And in the Army, Larry always found new challenges.

After graduating from Fitch High School, Larry worked driving a tractor-trailer truck before joining the Army Reserves, where he became a heavy equipment operator. While in the Reserves, Larry also worked at an Army recruiting office in Boardman, OH, during late 2003. SFC Anthony Catrucco, who worked at the recruiting office with Larry, said this about him:

It's a sad moment every time we hear something like this. [Larry] knew what he was getting into. He accepted it, and he was proud to serve his country.

Larry enlisted for active duty with the Army in February 2004. According to his father, Larry enjoyed serving in the military so very much. In his dad's words:

[Larry] was a very dedicated soldier. All he thought about was the Army. He wanted to make it his life.

By joining the Army, Larry was also carrying forward his family's long tradition of military service. Larry's grandfather had served in World War II, and his great-grandfather had served in World War I. But, the family history went back even further—Larry's great-great grandfather fought

in the Civil War. As Larry's grandmother Norma said, "We were very proud of him."

Larry, himself, took great pride in his military service. He joined the Army and simply loved what he was doing. His father remembers talking to his son at Christmas 2004, and even though Larry had shrapnel in his shoulder at the time, he was still positive and remained proud of what he was doing in Iraq.

When Larry died, he was a 7-year veteran, who was serving his second tour in Iraq and had been recently promoted to sergeant. SFC Herb Campbell remembers the dedication with which Larry served his country. He wrote the following in Larry's memory on an Internet tribute Web site:

I was there as [Larry's] recruiter when he joined, and he could not have been prouder to serve his country. I will never forget Larry as we formed a close bond—as soldiers and friends. He had the biggest heart, the greatest sense of humor, but was ultimately dedicated to what he believed in, serving his country.

And, SPC Eric Rodman wrote this, as well on the Web site, in remembrance of his friend:

I served with Sergeant Kuhns in the same platoon in Ramadi, Iraq. It was hard for me to deal with the loss. He was like a brother to me. I miss him so much.

Not only was Larry Kuhns a dedicated soldier, he was a devoted son, husband, and father. He loved his wife Courtney and their daughter Mackenzie more than anything else in the world. According to his dad, Larry thought and talked constantly about his family. Mackenzie was always uppermost in his mind. As Larry, Sr., said, "That little girl was his pride and joy."

Larry's devotion to his family was also clear to his comrades in Iraq, who saw everyday the love he had for his wife and daughter. His room in Iraq was simply plastered with pictures of his family—most of them featuring Mackenzie and Courtney. PFC Jason McCully, who served with Larry in Iraq, remembers how excited his friend was whenever he heard from those he loved and how he shared that excitement with his fellow soldiers. Private First Class McCully said that "every time [Larry] received a letter from home, everybody knew about it."

Even while serving in Iraq, Larry's family came first to him. The day before he died, he talked to his grandmother Norma. She recalls that the only thing Larry wanted to talk about was those he loved. "He didn't talk much about the war," she remembers. "He talked about family."

To Larry's cousins, he was like a brother. His cousin Jennifer Myers remembers both his strong belief in service and his wonderful sense of humor. She wrote the following in tribute to her beloved cousin:

The last time I saw Larry, he was home between assignments in Iraq, and a big group of us all went out. I remember how proud he was of his service, how much he loved being

in the Army and serving his country. I remember how much fun we all had that night, and seeing him laughing and just being good ol' Larry. That's how I will always remember Larry—my cousin, my friend.

[He was] a great guy, with a great smile and a beautiful heart. When I think of him, I think of him as he was that night—happy, smiling, laughing.

Indeed, Larry is missed by everyone who knew and loved him. Family members always fondly remember Larry the sports lover, Larry the outdoorsman, and Larry the devoted husband, father, and son. They will never forget him. As his father said, "I know the Army didn't make a mistake, but I still keep thinking the phone will ring and I'll hear him say, 'Hey, old man.'"

Army SGT Larry Kuhns lived a life that was a model of service and dedication. He was devoted to his family, his fellow soldiers, and his Nation. As a soldier, he served with conviction and honor. My wife Fran and I will continue to keep his family in our thoughts and in our prayers.

Mr. President, I have one final tribute tonight and appreciate the Chair's generosity and time.

SENIOR AIRMAN ALECIA S. GOOD

Mr. President, I rise today to honor the life of Air Force Senior Amn Alecia Sabrina Good. Alecia was assigned to the 92nd Communications Squadron, Fairchild Air Force Base in the State of Washington. On February 17, 2006, Alecia lost her life from injuries sustained in a helicopter collision while on assignment in the Gulf of Aden off the coast of Djibouti, Africa. She was 23 years old.

She is survived by her 2-year-old daughter Tabatha, her twin sister Ashley, her brother Paul, and her parents, Paul and Claire.

Alecia grew up in Ohio and joined the Air Force 1 month after the September 11 terrorist attacks. After basic training and technical school, she was assigned to Fairchild's 92nd Communications Squadron as a tactical radio operator and maintainer.

In early February, Alecia was deployed to the Combined Joint Task Force Horn of Africa mission, supporting Operation Enduring Freedom. The Combined Joint Task Force Horn of Africa was set up in Djibouti in 2002 and is responsible for fighting terrorism in eight African countries and in Yemen.

Alecia was flying her first training mission when she was killed in the helicopter crash. The training mission involved two Marine transport helicopters in the Aden Sea. Alecia was on board the helicopter to provide satellite communication back to the Joint Operations Center at Camp Lemonier.

Alecia's death has been felt by many. She was a devoted, compassionate, and vivacious young woman, and possessed all the qualities that make a service-member exceptional.

Alecia's twin sister Ashley described her sister as a vibrant, outgoing, young woman, who was full of fun and lived life to the fullest. "She was the silliest,

quirkiest person. . . . She really knew how to cut loose," Ashley said. "We'd go dancing and she'd make up these really crazy dances. There was one she called the 'Pepper Grinder' and [one she called] the 'Lawn Mower.' She was very hard not to love."

Ashley also said that Alecia was extremely devoted to her family, especially her 2-year-old daughter Tabatha. Alecia wished the absolute best for her family," Ashley said. She wanted her little girl to grow up in a world that was safe and a world that was free.

Friends, family, and comrades recall Alecia's passion for living. But, they also recognize her dedication and perseverance. U.S. Air Force Chaplain MAJ Donald Hoffman noted how Alecia enlisted in the Air Force exactly 1 month to the day after the September 11 attacks. "By her mother's own words, she was not afraid," Hoffman said.

Pastor Bruce Gallaher said that people should remember Alecia's spirit and make the most of their own lives. "She looked at life adventurously and wanted to live passionately," Gallagher said. The energy and spirit that drove Alecia Good shall remain an inspiration to many long after her death. We owe it to Alecia to celebrate her life.

I would like to conclude my remarks with a message that was posted on an Internet tribute website in honor of Alecia. A man named Leo Titus of Grayslake, Illinois—someone who never met Alecia or her family—recognized her service and bravery. He wrote the following eloquent words:

Thank you Alecia Good. You will not be forgotten. Your bravery goes beyond words. I want to express my deepest gratitude for your sacrifice. To [your] family and friends, [I send] my prayers and deep condolences in your loss. May God strengthen you from knowing that fellow Americans and people around the world care about you and grieve with you in your loss. God bless you all.

This message is signed simply—"A very appreciative fellow American."

Airman Good was buried with full military honors in Dixon, CA, on February 28, 2006. My wife Fran and I continue to keep her family and friends in our thoughts and in our prayers.

I thank the Chair and the staff and yield the floor.

#### ADJOURNMENT UNTIL 9:30 TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. on Thursday, December 7, 2006.

Thereupon, the Senate, at 9:30 p.m., adjourned until Thursday, December 7, 2006, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate December 6, 2006:

DEPARTMENT OF DEFENSE

MICHAEL J. BURNS, OF NEW MEXICO, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND

CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE DALE KLEIN, RESIGNED.

UNITED STATES SENTENCING COMMISSION

BERYL A. HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011. (REAPPOINTMENT)

JOHN R. STEER, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011. (REAPPOINTMENT)

ELECTION ASSISTANCE COMMISSION

ROSEMARY E. RODRIGUEZ, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2007, VICE RAYMUNDO MARTINEZ, III, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, December 6, 2006:

DEPARTMENT OF DEFENSE

ROBERT M. GATES, OF TEXAS, TO BE SECRETARY OF DEFENSE.

WITHDRAWALS

Executive message transmitted by the President to the Senate on Decem-

ber 6, 2006 withdrawing from further Senate consideration the following nominations:

DAVID H. LAUFMAN, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE JOSEPH E. SCHMITZ, RESIGNED, WHICH WAS SENT TO THE SENATE ON JUNE 5, 2006.

TRACY A. HENKE, OF MISSOURI, TO BE EXECUTIVE DIRECTOR OF THE OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, DEPARTMENT OF HOMELAND SECURITY, VICE C. SUZANNE MENCER, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 5, 2006.